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ART. I. *The Orders in Council, and the American Embargo, beneficial to the Political and Commercial Interests of Great Britain.* By Lord Sheffield. 1809.

*Message of the President of the United States, communicated to Congress 5th Nov. 1811.*

*Report in part of the Committee, to whom was referred that part of the President's Message which relates to Foreign Affairs.*

*A View of the State of Parties in the United States of America; being an Attempt to account for the present Ascendancy of the French or Democratic Party in that Country, in two Letters to a Friend.* Edinburgh, Ballantyne. 1812.

IN the message of the President of the United States, communicated to Congress on the 5th November last, Mr. Madison concludes a long string of complaints against Great Britain, with a recommendation that they should assume 'an armour and an attitude demanded by the crisis.' Whether any or all of these complaints are well or ill grounded, one thing at least must be quite obvious to those who have paid any attention to the proceedings of the American government, namely, that, ever since the accession of that stout republican and stern philosopher of the new school, Thomas Jefferson, there has existed a strong disposition on the part of the American executive to quarrel with Great Britain; to seize every occasion of exciting a hostile feeling between two nations, whom their relation to each other in point of origin, of language, and of habits, to say nothing of common interest, ought to predispose to amicable intercourse, and mutual good will; and whom it is equally obvious that it is the interest of France to disunite and to array against each other.

Of the origin of this spirit in the American government, we shall say a few words hereafter. At present it will be our business to examine into the truth of the allegations of the President's message, and the object of those menaces held forth in the report of the committee, to whom that part of it relating to foreign affairs was referred. Setting aside some points of minor importance,

the wrongs complained of by Mr. Madison may, we conceive, be comprehended under the three following heads :

1. The assumption of new principles of blockade, and, on the part of Great Britain, the rigorous execution of certain orders in council, in violation of neutral commerce and neutral rights.

2. The right of search claimed by Great Britain, and the wrongs sustained by America in the execution of it.

3. The impressment of American seamen.

The first point, however, it would seem, embraces the heaviest of their grievances. The member of the senate who brings up the Report of the committee, is stated to say that, in the opinion of the committee, the 'orders in council were of themselves a sufficient cause of war;' that 'British encroachments were such as to demand war, as the only alternative to obtain justice;' and that 'it was the determination of the committee to recommend open war to the utmost energies of the nation.' The report, to be sure, is sufficiently warlike. It states that 'France, availing herself of the proffers made equally to her and her enemy by the non-importation law of May, 1810, announced the repeal, on the 1st of the following November, of the decrees of Berlin and Milan;' and that in consequence thereof, 'it was confidently expected that this act, on the part of France, would have been immediately followed by a revocation on the part of Great Britain of her orders in council;' but that, 'in this reasonable expectation, however, the committee had been disappointed;' and it goes on to say, 'it affords a subject of sincere congratulation to be informed, through the official organs of the government, that those decrees are, so far at least as our rights are concerned, really and practically at an end.' The President, however, in his message, not venturing to go the whole length of this assertion, expresses only a 'hope that the successive confirmations of the extinction of the French decrees, so far as they violated the neutral commerce of the United States, would have induced the government of Great Britain to repeal her orders in council.'

The 'hope' and the 'expectation' held out by the President and his committee, would have been 'reasonable' enough provided the grounds of them had been true. But Mr. Madison knew perfectly well, and his committee also knew, if they knew any thing of the subject, that during the whole of last summer, French privateers, in the Baltic and Mediterranean, took every American vessel they fell in with, and carried them for condemnation into the ports of Italy, Dantzic, and Copenhagen. He knew that every week American ships and cargoes had suffered *sequestration* in the ports of France, which woeful experience had taught him to consider as pretty nearly the same thing with *confiscation*. Nay, at the very

moment



moment when the committee were making their report, a small squadron of French frigates that had escaped from the Loire, were pillaging and plundering American vessels in the Atlantic. In fact, all America knew that no decree nor proclamation had ever been issued by Buonaparte, announcing the revocation of the Berlin and Milan decrees; and that Mr. Madison had availed himself of a mere conditional communication made to General Armstrong, which, from its nature, must have been nugatory, as the condition was one which no person could expect to be performed. The President, indeed, is compelled to acknowledge that no proof whatever had yet been given by France, of any intention to repair the *other wrongs* done to the United States, 'and particularly to restore the great amount of American property seized and condemned under edicts, which, though not affecting their neutral relations, and therefore not entering into questions between the United States and other belligerents, were nevertheless founded in such unjust principles, that the reparation ought to have been prompt and ample.' This, being only a French aggression, is kindly taken on the part of Mr. Madison: and though he cannot conceal that 'the United States have much reason to be dissatisfied with the rigorous and unexpected restrictions to which their trade with the French dominions has been subjected;' yet, against England only and her 'hostile inflexibility,' he thinks it necessary to recommend to Congress to put the United States into 'an armour, and an attitude demanded by the crisis.'

It may be useful to inquire how the fact really stands between the two belligerents and neutral America, and against which, as the original and principal aggressor, if she really be aggrieved, the hostility of the latter might be expected to be pointed. We have no intention to discuss over again the merits of the various orders in council. The question to be now considered is one of fact rather than argument. The circumstances, in which neutrals are placed by the peculiar character of the present war, are entirely novel. France has done her utmost to extinguish neutrality altogether; that of America has survived only by the intervention of the Atlantic. At an early period of the war, the skill and valour of our seamen had nearly swept from the face of the ocean every ship, whether of war or commerce, belonging to the enemy; but while her colonies in the eastern and the western hemisphere remained in her possession, she continued to enjoy the benefits of a commerce with those colonies without any of its risks, through the channel of neutral America. The French marine, it is true, was, in like manner, nearly driven from the sea in the war which commenced in 1756; and they had recourse then, as now, to the employment of neutrals for supplying their colonies, and bringing back their produce. Our prize courts, however, condemned this new species of neutrality,

on the principle 'that a neutral has no right to carry on a trade with the colonies of one of the belligerent powers in time of war, in a way that was prohibited by that power in time of peace.' On this principle We acted during that war. The same rule was adopted on the breaking out of the revolutionary war, when the ports of all the colonies of France were thrown open to every neutral flag. The Americans raised a clamour against the rule on the pretence of its having been abandoned during the American war. This, however, was not true: far from being abandoned, it was actually put in practice; and the temporary relaxations it underwent were owing, in the first instance, to the French being able, in a great measure, to carry on their own colonial trade; and, secondly, to their having falsely asserted that they had entirely changed the colonial system and meant to throw open that trade to foreign nations in time of peace. Mr. Madison goes a step beyond this, and asserts that the principle was, for the first time, introduced by the English in the war of 1756; that it has no pretension or title to an *ancient* rule; and that, instead of being an *established* principle, it is well known, he says, that Great Britain is the only nation that has acted upon or otherwise given a sanction to it. One might, in the first place, have expected that the date of the year 1756 would be sufficient to satisfy an American as to the rights of a country which was then his own. But, in the second place, it is to be observed, that the principle and the practice of capturing and condemning neutrals carrying on the colonial trade of a belligerent, were neither introduced *for the first time* in 1756, nor is Great Britain the only nation that has given a sanction to them. In the war of Queen Anne, ending in 1713, the French employed the Dutch to carry on their colonial trade; but five out of the six vessels so employed were captured and condemned by us; yet, neither the French nor the Dutch complained of the practice or the principle, which are, therefore, at least a century old.\* The same rule was acted upon, without any relaxation, in 1793. In 1794, it is true, an indulgence was granted, as to American intercourse with the West Indies: and a farther relaxation took place in 1798, allowing the produce of the West India colonies to be brought by neutrals to the ports of this country, or to some port of the neutral country. These spontaneous acts of indulgence, on the part of Great Britain, and the liberal construction put upon his Majesty's order by the prize courts, laid the foundation of the unexampled prosperity of American commerce. The same system of liberality was pursued on the renewal of hostilities in 1803. The commanders of his Majesty's ships of war and privateers were instructed 'not to seize any neutral vessels which

\* Appendix to Vol. VI. of Robinson's Admiralty Reports.

should

should be found carrying on trade directly between the colonies of the enemy and the neutral country to which the vessel belonged, and laden with property of the inhabitants of such neutral country; provided that such neutral vessel should not be supplying, nor should, on the outer voyage, have supplied, the enemy with any articles contraband of war, and should not be trading with any blockaded ports.'

The able and well informed writer of '*War in Disguise*,' has laid open the enormous frauds and abuses to which this indulgence gave rise. It will be sufficient for our purpose to observe, that so far was the rule of 1756 relaxed, that the ports of the United States of America became so many entrepôts for the manufactures and commodities of France, Spain, and Holland, from whence they were re-exported, under the American flag, to their respective colonies; they brought back the produce of those colonies to the ports of America; they re-shipped them for the enemies' ports of Europe, they entered freely all the ports of the United Kingdom, with cargoes brought directly from the hostile colonies; thus, in fact, not only carrying on the whole trade of one of the belligerents, which that belligerent would have carried on in time of peace, but superadding their own and a considerable part of ours. Valuable cargoes of bullion and specie and of spices were nominally purchased by Americans, in the eastern colonies of the enemy, and wafted under the American flag to the real hostile proprietors. One single American house contracted for the whole of the merchandise of the Dutch East India Company at Batavia, amounting to no less a sum than one million seven hundred thousand pounds sterling. The consequence was, that, while not a single merchant ship belonging to the enemy crossed the Atlantic, or doubled the Cape of Good Hope, the produce of the eastern and western worlds sold cheaper in the markets of France and Holland, than in our own.

'We defend our colonies,' says the writer to whom we have alluded, 'at a vast expence; we maintain at a still greater expence, an irresistible navy; we chase the flag of every enemy from every sea; and, at the same moment, the hostile colonies are able, from the superior safety and cheapness of their new-found navigation, to undersell us in the continental markets of Europe.'

Not satisfied with this unexampled state of prosperity, to which the commerce of America had attained, through the munificent concessions made in her favor, she practised still farther on the forbearance of Great Britain, by sending large and numerous cargoes, which might fairly be considered as contraband of war, direct into the ports of France; such, for instance, as 'three and four-inch' deals, spars, iron and other materials employed in fitting out, and

equipping, that very flotilla, which was avowedly preparing for the invasion of this kingdom. One hundred and fifteen thousand Frenchmen were encamped on the heights of Boulogne, in the highest state of discipline, and commanded by the choicest officers in the French service; one thousand two hundred vessels were ready to transport them to the pillage of the British capital. Yet, because the British government at length thought proper to withhold its forbearance, and to place the ports of France, between Ostend and Havre de Grace, under strict and rigorous blockade—the Americans thought proper to join in the clamours of France against, what they were pleased to call, our new principles of maritime law, the violation of neutral rights, and blockades ruinous to neutral commerce.

In April, 1806, it was found necessary to declare the ports of Prussia in a state of blockade, in consequence of the king of that country having, in violation of every principle of honour and justice, (since, how severely expiated!) seized upon Hanover and shut the ports of the German sea against the English flag; but this blockade was removed in September following. Yet this just retribution was deemed a fit subject for American interference.

In the same year the government found it expedient to declare the whole coast of France, from the Elbe to Brest, in a state of blockade; but it was explained by Mr. Fox, in a note to Mr. Monroe, 'that such blockade should not extend to prevent neutral ships and vessels laden with goods not being the property of his Majesty's enemies, and not being contraband of war, from approaching the said coasts, and entering into and sailing from the said rivers and ports,' &c. A concession almost exclusively made in favor of America.

These blockades, legitimate in principle, and effectually kept up by an adequate force, were called by Mr. Jefferson '*paper blockades*;' 'an usurpation of maritime jurisdiction;' and he took that opportunity of more than hinting a doubt of our right of search, by asserting the French principle, that '*free ships make free goods*.'

The death of an American seaman, by an accidental shot from the *Leander*, afforded another opportunity of increasing the clamour which Mr. Jefferson had contrived to raise against England. He issued a proclamation, in which he accused Captain Whitby of murder, and interdicted our ships of war from the waters of America. His purpose was completely answered by the violent and inflammatory resolutions that were passed in Congress, and which ended in an act for excluding the manufactures of Great Britain from the ports of the United States, to be carried into effect however at a distant day.

In the meantime, commissioners were appointed to adjust the existing commercial differences between the two governments; Lord Holland

Holland and Lord Auckland on the one side, and Mr. Monroe and Mr. Pinckney on the other. A treaty was concluded on just and liberal principles of reciprocal benefit, and sent over to America for ratification; which Mr. Jefferson thought fit to refuse, unless this country should consent to admit into it 'new principles of maritime law,' correspondent with those *soon afterwards* declared by the French, and contrary to those long established by the law of nations.

The whole tenour of Mr. Jefferson's administration had excited strong suspicions of a secret understanding between him and France; and these suspicions were considerably strengthened by this rejection, and suggested alteration of the treaty concluded by his authorized minister here, at the very moment of the notification in that country of the Berlin decree. It happened also that this decree was contemporaneous in its operation with the non-intercourse act against England; which, though passed in May, was not to take effect until November. The very language employed by America in her remonstrances and negotiations with England, was exactly similar to that made use of by France. Every step she took seemed to confirm the existence of collusion between Mr. Jefferson and Buonaparte.

England however continued to bear the ill humour, and even the menaces of America, not indeed with indifference, but with that calm and dignified moderation which is naturally inspired by consciousness of rectitude combined with consciousness of power.—Even the Berlin decree of the 21st November, 1806, appeared to make no change in her system of legal blockade, as it regarded France, or of concession and relaxation in favor of America. By this decree, the British islands were declared in a state of blockade. All British subjects, found in countries occupied by French troops, were ordered to be seized and made prisoners of war; all British property to be confiscated; all trade in British produce and manufactures was prohibited; and all neutral vessels, which had touched in England or any of her colonies, were made liable to confiscation.

There were, we think, two obvious ways of treating this declaration of war against all commerce, but more particularly against British commerce.—Either to consider it as one of those empty menaces so frequently fulminated against us in those moments of temporary insanity to which the present ruler of the French is subject; and to take no notice of it whatever, at least till it had clearly been ascertained what its operation would be, and to what extent neutral powers would acquiesce in so odious a decree;—or, to make him feel at once the full force of our naval power; to put forth the strength of this mighty arm, and lay waste the whole line of coast

from Ostend to Bayonne; to keep his armies perpetually on the march to the various points of attack; to spread terror and alarm among the inhabitants; to drive the French fishermen within the mouths of their rivers, and compel their master to supplicate, as Henry IV. of France had done before him, for permission to catch a few soles on the banks in the Channel for his own table. Unfortunately our government did neither. It contented itself with issuing an order in council on the 7th January, 1807, by which, after stating his Majesty's unwillingness to follow the example of his enemies, by proceeding to an extremity so distressing to all nations not engaged in the war, yet urging the necessity he felt to restrain this violence and to retort upon them the evils of their own injustice, it was ordered 'that no vessel shall be permitted to trade from one port to another, both which ports shall belong to, or be in possession of France or her allies, or shall be so far under their control, as that British vessels may not freely trade thereat.'

This feeble effort at retaliation totally failed in restraining the violence of the enemy, while the restrictions it imposed on neutral commerce served as a pretext for a grievance on the part of America. In point of fact, America not only evaded the orders, but turned them greatly to her advantage; while the commerce of England became every month more languid and prostrate, till reduced, as justly observed by a member of the House of Commons, 'to a state of suspended animation.'

If America had any ground of complaint on this occasion, it was that only a few days before the issuing of the order in council Mr. Monroe had been told 'that his Majesty's government could not believe that the enemy would ever seriously attempt to enforce such a system; but that if the enemy should carry these threats into execution, and if neutral nations, contrary to all expectation, should acquiesce in such usurpations, his Majesty might probably be compelled, however reluctantly, to retaliate in his just defence, &c.' The Berlin decree, which had been held by many as 'an empty menace,' was soon discovered by the administration which came into power about April 1807, to bear a very different character; that 'nations in alliance with France, and under her control, were required to give, had given, and did give effect' to that decree. They found that the order of the 7th January issued by their predecessors, 'did not answer the desired purpose either of compelling the enemy to recal those orders, or of inducing neutral nations to interpose with effect to obtain their revocation, but, on the contrary, the same had been recently enforced with increased rigour.' It was therefore ordered, on the 11th November, 1807, that 'all the ports and places of France and her allies, or of any other country at war with his Majesty, and all other ports and places in Europe from which,

which, although not at war with his Majesty, the British flag is excluded, and places in the colonies, belonging to his Majesty's enemies, shall, from henceforth, be subject to the same restrictions, in point of trade and navigation, (with certain exceptions,) as if the same were actually blockaded by his Majesty's naval forces, in the most strict and rigorous manner.'

As soon as this order in council reached Buonaparte, at Milan, he issued his decree of the 17th December, 1807, by which 'every ship, to whatever nation it may belong, that shall have submitted to be searched by an English ship, or paid any tax to the English government, is declared to be *denationalized*, and to have become British property—that such ships are good and lawful prizes—that every ship, of whatever nation, and whatsoever its cargo may be, sailing from England, or the English colonies, or countries occupied by the English troops, is good and lawful prize—these measures to cease to have effect with respect to those nations who shall have the firmness to compel the English government to respect their flag.

There can be no doubt that these two orders of the belligerents bore hard upon the only remaining neutral. The British orders in council, however, contained many exceptions in her favour; while the decree of Milan was calculated to sweep every ship of hers from the ocean. Not only were the British orders in council modified and mitigated in their original conformation, for the purpose of relaxing, in favour of America, that general prohibition of all trade with the enemy, which a strict retaliation would have justified; but when it was found that some of the relaxations which were intended for this object were more obnoxious to America than the prohibition itself, those relaxations were repealed. It had been permitted to neutrals, by the original orders in council, to trade with the enemy, on condition of previously touching at a British port, and paying a trifling duty. The object of this duty was not to collect revenue for this country, still less to impose a tribute on America, as was vehemently and angrily contended in that country. It was simply a mean of ensuring and registering, with respect to each vessel, the fact of its so touching at an English port.

The principle of the orders in council was this. Our enemy says there shall be no trade with England. We have a right to say in return—there shall be none with our enemy:—and this prohibition, if we had thought fit to adopt it in its full extent, we had the power of enforcing. If the neutral had thus been excluded from all trade whatever, the fault would have been so obviously in the original aggressor, France, that against that original aggressor, the complaints of America must have been directed:—at least, as loudly as against this country. It is a whimsical fact, that Great Britain became exposed



exposed to that most unequal share of obloquy which has been poured upon her by America, only by having mitigated the strictness of a principle upon which France continued to act without mitigation. And it is really edifying to observe with what ingenuity Mr. Madison has contrived to represent all such relaxations on the part of Great Britain in favour of neutral trade, of the exercise of a right by the strict enforcement of which it must have been crushed and extinguished, as 'badges of humiliation,' as regulations 'violating equally the neutral rights and national sovereignty of America,' as measures not only 'stabbing her interests, but superadding, under the name of indulgencies, a blow at their national independence, and a mockery of their understandings.'

But while all the instructions of Mr. Jefferson and Mr. Madison to their minister in London, teem with violent and opprobrious expressions, those to Mr. Armstrong at Paris are, to be sure, querulous enough, but gentle and supplicatory, without one expression of indignation at the original aggressors and authors of all the ills of which they had to complain. Nay, Mr. Madison finds even an apology for the French decrees; they are 'merely municipal regulations,' not affecting, by their operation, the neutral rights of America. He lent a willing ear to the deception practised upon him by the French minister, 'that the placing of the British islands in a state of blockade made no alteration in the existing French laws concerning maritime captures.' The seizure and confiscation of American ships on the high seas and in the ports of France, made it indeed impossible long to remain deceived: yet even then her minister was instructed to be particularly careful to 'leave the way open for friendly and respectful explanations, if there should be a disposition to offer them.' The burning of their ships at sea Mr. Madison is pleased to designate 'as the most distressing of all the modes by which belligerents exert force contrary to right;' yet provided 'hostility of intention' be disproved, he seems to think that the offence would be wiped off by 'an indemnification to the injured individuals.' And at the very moment that he represents the decree afterwards issued at Bayonne 'as a sweeping stroke at all American vessels on the high seas,' he directs General Armstrong 'to avoid a stile of procedure which might co-operate with the policy of the British government, by stimulating the passions of the French.' The return for this tame and submissive conduct was precisely what might have been foreseen.—So far from 'indemnification being made to injured individuals' for the property *destroyed* by the incendiaries, the plunder *saved* out of the ship, was condemned as good and lawful prize.

But the climax of French rapacity and American endurance was yet to come. A decree was issued at Rambouillet in March, 1810,  
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by which all vessels sailing under the flag of the United States, or owned wholly or in part by any American citizen, which, since the 20th May, 1809, had entered, or which should thereafter enter any of the ports of France or her colonies, or countries occupied by French armies, should be seized. This act was carried into immediate execution; the number of sequestered ships amounted to one hundred and sixty, the value of which was calculated at one hundred millions of franks, 'a sum,' says Mr. Armstrong to Mr. Madison, 'whose magnitude alone renders hopeless all attempts at saving it.' 'If I am right,' he continues, 'in supposing the Emperor has definitively taken his ground, I cannot be wrong in concluding that you will immediately take yours.'

General Armstrong knew very little however of the enduring temper of his government so far as France was concerned. To England its insolence seemed to increase with the increasing aggressions of France. Every adventitious occurrence, every little collision between British and American officers, was laid hold of to enflame the minds of the rabble against Great Britain. In all the discussions on the orders in council, matters wholly irrelevant thereto were artfully introduced to check the progress of negotiation. The shot from the *Leander*, the affair of the *Chesapeake*, the search of neutral ships, the impressment of American seamen, were all brought forward, and on all occasions. All the papers which are before the public, evince the decided partiality of Mr. Jefferson and Mr. Madison towards France, notwithstanding the robberies and insults they have invariably suffered from that government, which has even gone so far as to stigmatize them as 'men without policy, without honor and without energy, who would rather fight (if they could be brought to fight at all) for interest than for honour.'

At length however Buonaparte thought fit, obviously in the hope of deciding the angry, yet timorous government of America to a war with us, to change his tone towards that country; and he did it with a sudden and impudent consistency truly French. 'His Majesty,' says Champagny, 'loves the Americans.' A proposal of marriage to a desponding damsel, could not be more acceptable than this declaration of the imperial lover was to Mr. Madison. It was altogether amusing to observe with what eagerness and joy he threw himself into the arms of France; and with what an air of triumph he announced to his subjects the happy tidings of the revocation of the Berlin and Milan decrees. This pretended revocation was to take effect on a future day, the 1st of November, 1810. Without waiting to see whether their operation had actually ceased on that day, and whether there appeared to be any disposition in the French government to redress the *other wrongs* and restore the vast property

property of which America had been robbed, Mr. Madison sends forth his proclamation on the very next day, the 2d of November, asserting that 'the said edicts *have been* revoked,' and that 'the enemy *ceased* on the first day of that month, to violate the neutral commerce of the United States.' This prophetic annunciation of the President in America of what had been transacted the preceding day in France, this intuitive anticipation, supposed by some to be the effect of sympathy between congenial souls though far separated, was deemed of sufficient authority to be incorporated in the message to Congress. But, alas! Mr. Madison's sympathy deceived him; there was in fact no revocation of the decree. The declaration which the French minister had made to Mr. Armstrong was merely to this effect. 'At present Congress retraces its steps. The act of the 1st of March is revoked\*, the ports of America are open to French trade; and France is no longer shut to Americans. Congress in short engages to declare against the belligerent which shall refuse to recognize the rights of neutrals. In this new state of things,' says the French minister to Mr. Armstrong, 'I am authorized to declare to you that the decrees of Berlin and Milan are revoked; and that from the 1st of November they shall cease to be executed, *it being well understood*, that in consequence of this declaration, the English shall revoke their orders in council, and renounce the *new principles of blockade* which they have attempted to establish, or that the United States shall cause their rights to be respected by the British.' Mr. Madison has no occasion to be told what is here meant by the 'rights of neutrals,' and the 'new principles' of blockade. He has Buonaparte's own explanation of the terms. Buonaparte has declared the Berlin decree to be the 'fundamental law of the empire, until England has acknowledged that the rights of war are the same at sea as on land,' that is to say, that merchant ships, enemies as well as neutrals, shall pass unmolested, 'that free ships make free goods, and that no vessel whatever shall be searched; that no place shall be considered as blockaded unless invested by land as well as by sea.' These are the 'invariable principles which' General Armstrong was informed 'have regulated and *will* regulate the conduct of his imperial Majesty in the great question of neutrals.' Can then Mr. Madison be guilty of the egregious folly of supposing, can any of his advocates in this country for a moment suppose, that Great Britain would listen to such insulting and degrading terms, and thus tamely surrender to France that maritime power, which the exertion and valour of her children have established at the expense of so much blood and

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\* The non-intercourse as far as it regards France.

treasure? Are these the conditions on which we are to seek conciliation with America? **Y**

We have little doubt that the tone assumed by America is encouraged by speeches and writings on this side the water. We every day hear the orders in council stigmatized as illegal, impolitic, and equally injurious to ourselves and America. We hear them represented as inconsistent with the municipal laws of the realm; as contrary to the spirit and practice of the constitution; as violating the *great charter*, and as infringing the wholesome provisions of the navigation act. With all deference for the wisdom of our ancestors, we conceive that cases and circumstances may arise and have arisen, of which they could entertain no fore-knowledge, and against which they could make no provision. The measures of an uncontrolled despot, who regards no laws human or divine, can only be effectually opposed by 'retorting on himself the evils of his own injustice.' The *wisdom of our ancestors* was probably as sound and practical in the reign of Queen Elizabeth, as in any period of our history; and yet, with the advice of her Privy Council, she took precautions for the security of the kingdom, quite as strong, and certainly as unconstitutional, as our orders in council; for instance, when the Spaniards in 1589, the year after the destruction of their famous armada, were meditating a fresh descent upon England, the queen issued a proclamation, and sent monitory letters to her allies and neutrals, forbidding them to supply the enemy with grain and naval provisions, on penalty of forfeiting ships and goods. Notwithstanding this, the Hans towns fitted out sixty sail of vessels laden with corn and naval stores, 'which passed,' says Camden, 'on the north of Scotland, by the Orcades, Hebrides and Great Western Ocean, on the back side of Ireland, a long and dangerous passage, to avoid being intercepted in the channel by the queen's ships.' The queen's ships however did intercept them, not before a blockaded port, but on the high seas, and they were confiscated as good and lawful prize; yet the Englishmen of that day applauded the *wisdom* of the measures, and acknowledged the care and vigilance of the queen.

The best answer to the charge of the *impolicy* of the orders in council is to look at their practical effects on the commerce of the neutral, the enemy, and on our own. We need no better criterion of the state of American commerce than the receipts of her treasury, because nine-tenths of her revenues are derivable from custom-house duties. Now it appears from the inaugural speech of Mr. Jefferson, delivered in 1805, that the receipts of the preceding year, ending September, 1804, amounted to 11½ millions of dollars. In 1805 the revenues are represented in a flourishing state at 13 millions.

lions. In 1806 they rose to 15 millions. In 1807 to 16, and in 1808 they were expected to mount up to 18 millions. We have not before us the receipts of 1809 and 1810, but in the latter of those two years Mr. Madison in his message of 1809, prepares Congress for a diminution; not from the pernicious effects of our orders in council, but from 'the suspension of exports, and the consequent decrease of importations,' that is to say, from their own embargo, their non-intercourse and non-importation laws. Yet in spite of the operations of these laws and the orders in council, the trade from England to the United States remained almost in the same state. The amount of our exports to that country in 1807, before the operation of the orders in council, was £7,921,120. In 1810, three years after the operation of the orders, they amounted to £7,813,317. Mr. Madison, after much lamentation of the ruinous effects of the system adopted by the belligerents against the American trade, states the receipts of the year 1811 at 13 $\frac{1}{2}$  millions. If the receipt of 13 millions in 1805 'fulfilled the expectations' of Mr. Jefferson, we see no ground for the querulous wailings of Mr. Madison in 1811, with half a million more.

We need not go far out of our way to see what the effects have been of the orders in council on the enemy. We have the testimony of Buonaparte's own ministers in the annual Exposé of the state of France, for the privations and distress which are felt by all classes of the community on account of the almost total extinction of foreign commerce. In 1808, when the orders in council were in full operation, the Minister of the Interior is obliged to notice 'the almost absolute cessation of the maritime relations, and the many privations for the French merchants, manufacturers, and consumers.' We need not be told, indeed, that the French merchant, the manufacturer, and the agriculturist, are all reduced to the most ruinous and deplorable condition; that the capital of the first is totally unemployed, his ships rotting in port, and his warehouses empty; that the manufacturer has no vent for his goods, nor the farmer for his produce.—How is it possible to persist in asserting that the blockade of the continent has had no effect on the condition of the enemy, when we hear that his custom-house revenues have fallen from 60 millions of livres in 1807, to 18 millions in 1808, and still farther in 1809 to 11 millions, that is to say, to less than one fifth part of their amount before the orders in council took effect?—when we see this hater of all commerce, employed in calculating how many myriagrams of this article, and killograms of that, will pacify the clamours of the merchant, the mechanic, and the labourer? enacting penal statutes to force the cultivator of the soil to employ his land in endeavouring to raise certain products in a climate ungenial to their growth? to plant beet instead of corn, and

and cotton, and tobacco, and indigo, where nature never intended them to grow?

The inference to be drawn from the statements advanced by the advocates of America, on this side the Atlantic, is nothing more nor less than this—that all the distresses of our manufacturing towns are entirely owing to the orders in council. The increase of the poor in Liverpool, the decrease in the demand for the pottery ware of Staffordshire, the riots at Nottingham, are all to be ascribed to the orders in council. As we profess nothing more than plain matter of fact dealing, we content ourselves with transcribing the return to an order of the House of Commons of the 16th of May, 1811, for the value of all imports into, and all exports from Great Britain, from 1805 to 1810 inclusive, ordered to be printed 18th February, 1812.

	Official value.	Real value.
Imports in 1805	£30,344,628	£53,582,146
1806	28,835,907	50,621,707
1807	28,854,658	53,500,990
1808	29,629,353	55,718,698
1809	33,772,409	59,851,352
1810	41,136,135	74,538,061
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Exports - 1805	£34,308,545	£51,109,131
1806	36,527,184	53,028,881
1807	34,566,572	50,482,661
1808	34,554,267	49,969,746
1809	50,286,900	66,017,712
1810	45,869,860	62,702,409

This return, in our opinion, speaks sufficiently for itself. The diminution in 1807, and particularly in the exports, was in no degree whatever owing to the orders in council, whose operation had not then taken effect; but is sufficiently explained, as Lord Sheffield observes, by the hostile proceedings of the United States in consequence of the President's violent proclamation, interdicting British ships of war from their ports, and the distrust which such a proceeding occasioned among our merchants here; to the peace of Tilsit, which concluded the disastrous campaign of the North; to the rupture with Denmark; the Russian declaration of war; the declaration of Prussia; the irruption of the French into Portugal—all of which occurred in the course of the year 1807—yet with all these disasters, and the Berlin and Milan decrees to boot, interdicting the introduction of British commerce and manufactures from the shores of the Adriatic to the White Sea, the diminution in the real value of the exports scarcely exceeded £500,000. But we are told that the custom-house books are false and unworthy the least attention; that nobody is interested in their being correct; none responsible

sponsible for any errors they may contain. Let us then turn to the amount of the customs actually received at the Treasury. The gross amount of those receipts in the five consecutive years was as under, exclusive of the war taxes:—

In the year 1806,	-	-	-	£9,436,255
1807,	-	-	-	9,573,060
1808,	-	-	-	9,214,131
1809,	-	-	-	10,532,989
1810,	-	-	-	10,773,869

So that the calamitous year of 1807 occasioned in the receipts of the customs of 1808 a diminution only of £358,929, while in the two following years an increase of more than a million each year took place.

We mean not to assert that the extraordinary increase of the value of imports and exports in the years 1809 and 1810 was owing to the orders in council; but we think that we shall be borne out in assuming that the orders in council have at least had no tendency to ruin our commerce or distress our manufacturers. That our manufacturers suffer distress is deeply to be lamented; but those who lead them to suppose that their distress arises from the orders in council grossly deceive them. So long as Buonaparte decrees that British produce and British manufactures, 'whosoever found and to whomsoever belonging,' shall be seized and confiscated, it would answer no good purpose to ourselves to revoke our Orders and remove every restriction. The orders in council might be right or wrong in point of belligerent policy; they might be right or wrong in point of inter-national justice: but it is utterly absurd, it is mere perverseness to contend that our passive acquiescence under the blockade decreed against our trade and manufactures would have been less injurious to them than even an imperfect, or otherwise questionable measure of retaliation.

Among other evils attributed to the orders in council, is the mass of fraud, forgery, and perjury connected with the licence trade. On the subject of that trade we have had occasion, in a former number, to deliver a free opinion: and we must here repeat the objection we then stated to the filiation by which that trade is represented as the offspring of the orders in council. They have no necessary connection with each other. The licence trade may exist, and has existed, and does exist, wholly independent of those orders. The fraud and perjury with which it is accompanied existed in as great a degree or perhaps greater before the birth of these calumniated orders, and among the same class of men to which we believe it is still principally confined, then known by the name of 'neutralizing agents,' or as an indignant American calls them, 'No-

nation



nation scoundrels.' It is now principally carried on in the Baltic, where the orders have no operation.—Wherever it co-exists with the orders in council, it is not as a consequence of them; but in derogation to them. It complicates the process, obscures the principle, and brings into doubt the justice of the original orders: while it shares, in common with the other relaxations of those orders, and we think more justly than any of them, the fate of being thanklessly accepted by those for whose benefit it is professedly intended. If no relaxation had taken place in the orders in council of November, 1807, and no licences whatever had been granted, the effect of the naval power of Great Britain would have been felt by the enemy more severely, and might even have given a different turn to the war. We cannot but regret that the experiment was not tried upon the northern powers, by hermetically sealing the Baltic, and not suffering a single vessel of any description to pass or repass the Sleeve, which could effectually be done by a small squadron of frigates. A single season of such complete exclusion, would have brought Russia and Sweden to sue for our alliance; whereas, by the licence system, they have enjoyed all the advantages of carrying on, without restriction and without risk, a trade which to us has been a trade of mere necessity, discouraging to the increase of British shipping and to the growth of British seamen. Had the orders in council been rigidly carried into execution, had the licence system never existed, and had America, instead of thwarting, seconded the views of Great Britain, we believe indeed that 'the evils of his own injustice' would have been retorted on the enemy; and that neutral commerce would long ere this have been restored to its ancient footing.

2. We now proceed to the right of search. Grotius, Puffendorff, Vattel, and others, on whose opinions the practice of all the foreign courts of Europe has been founded, condemn, as lawful prize, any neutral ship resisting search, on the ground that such resistance alone affords a presumption of her being employed in an unfair trade. If a neutral were permitted to supply one of the belligerents with the means of carrying on the war, he would become to all intents and purposes a party in that war, and could have no just ground of complaint if treated as an enemy by the other party. But the fact of merchant vessels carrying articles contraband of war, can only be ascertained by visiting them. The inconvenience arising to any vessel, so searched, is no more than a momentary detention on her voyage; it extends only to an inspection of her papers, unless strong suspicions of fraud should appear.

The right of search for seamen is precisely of the same nature as that for goods contraband of war. It is an instruction, as ancient as the navy itself, to the commanders of his Majesty's ships, to

search foreign vessels for English seamen, and to compel their masters to deliver them up, and to pay them their wages. Similar instructions have at all times been given by the French to the commanders of their ships of war. The practice is perfectly conformable to the law of nations. Every sovereign has a right to the services of his subjects; but if, on the breaking out of a war, these subjects avoid his service, by running on board neutral vessels, which perhaps may be employed in aiding the enemy, the right would be a dead letter if the power were denied of visiting neutral vessels, and taking them out wherever found. This right is, and always has been, thus exercised by Great Britain. Every commander of a ship of war is instructed,

‘ When he meets with any foreign ship or vessel, to send a lieutenant to inquire whether there may be on board of her any seamen who are subjects of his Majesty, and if there be, he is to demand them, provided it does not distress the ship; he is to demand their wages up to the day; but he is to do this without detaining the vessel longer than shall be necessary, or offering any violence to, or in any way ill-treating, the master or his crew.’

It is hardly necessary to observe, that, in the present day, merchant vessels only are intended by that instruction. It is distinctly pointed out, not only by whom, but in what manner, the search is to be made. If it be done by any officer below the rank of a lieutenant—if it be done in a violent and unbecoming manner—if the vessel searched be detained longer than necessary—or if, by the removal even of his Majesty’s subjects, she be distressed, the commander of the king’s ship is guilty of a breach of his instructions, and becomes responsible for any ill consequences that may befall the neutral. The American government, of all others, has the least reason to complain of any tardiness, on the part of that of Great Britain, to punish offenders in this way, or to render ample justice to the injured party. We need scarcely remind it of the immediate removal of Captain Bradley from the command of the *Cambrian*, for impressing, which he had a right to do, some English seamen from an English ship, but lying within an American harbour, before the President of the United States had time even to prefer a complaint—of the trial of Captain Whitby, by court-martial, for the murder of an American seaman, killed by an accidental shot from the *Leander*—or of the removal of Admiral Berkeley from his command, upon his own statement of the affair of the *Chesapeake*, and before any complaint from America reached England.

Before the disavowal of the British government had reached America, it might be possible for the American government to suppose that the act of Admiral Berkeley was authorized by his instructions; and consequently that it was intended by Great Britain to

to set up a 'new claim,' or rather (properly speaking) to revive our old claim to search ships of war. But that disavowal was founded on the very ground that such a claim was not intended to be set up; and was expressly recorded in a solemn proclamation issued by his Majesty within a few weeks after the affair of the Chesapeake was known in this country, containing instructions for the exercise of the right of search, from which ships of war were specifically exempted.

After so plain and anxious an exposition of the principles maintained by the British government on this subject, it might have been hoped, that the imputation of intending to act upon the 'new claim,' as it is called, would be silenced. But as not only the French, as might be expected, still maintain this assertion; it has also been argued upon here, by writers who are in the habit of finding most things wrong in the conduct of their own government, it may not be amiss to say a few words on the history of the claim in question; which, as we have already stated, so far from being a new claim now advanced, is a very old one, long since abandoned. In the instructions given by the Earl of Northumberland, Lord High Admiral of England, to Sir John Pennington, dated the 4th April, 1640, is to be found the following article.

'As you meet with any *men of war*, merchants, or other ships or vessels belonging to any foreign prince or state, either at sea, or in any road or other place, where you or any of his Majesty's fleet shall happen to come, you are to send to see whether there be any of his Majesty's subjects on board them; and if any seamen, gunners, pilots, or mariners (either English, Scotch or Irish) shall be found on board any of them, you are not only to cause such of his Majesty's subjects to be taken forth, committed, or disposed on board, or otherwise, in such sort, as they be forthcoming, and answer their contempt of his Majesty's proclamation in that kind; but also friendly to admonish the captain, and other principal commanders and officers in such foreign ships and vessels, that they do not receive nor entertain on board any of their ships, no more of his Majesty's subjects, that his Majesty may have no cause to resent it at their hands, &c.'

This instruction, so far from being grounded on 'a new claim,' even at that time, had invariably been acted upon, not in *two cases* only, and no more, as the writers above alluded to assert, but in twenty others. We shall content ourselves with *three*:—The first is, that of Sir Thomas Allen, who, in 1667, took several British seamen from three French men of war in the Channel, commanded by Monsieur de la Roche.

The second case is that of Captain Jenifer, of the *Saudadoes*, who, in consequence of four Englishmen on board the Dutch admiral's ship, (which, with two or three more men of war of that nation, were lying in the Downs,) having written to pray that he

would demand them, took them, on being refused, by force. This occurred in the year 1676.

In 1687, a Dutch man of war, coming into the Downs, was visited by the English guard-ship, and four Scotchmen and a boy taken out of her. The Dutch ambassador to the court of London complained of this in a memorial, which he addressed to the secretary of state. The memorial was referred to Sir Richard Raines, then judge of the Admiralty Court, who 'argued the point' in a very able manner. He defended the principle on the natural right which sovereigns have to the services of their subjects, and on the practice which had been followed in all ages. He contended that 'his Majesty having this right, must be allowed to have the liberty of means effectual to this end, which means are, to compel his subjects to do their duty, otherwise the right is vain and so are the means, if they must be used only by words and proclamations.' The memorial complained that this practice might be inconvenient to foreign ships in time of danger and stress of weather.—'As if his Majesty,' says the learned judge, 'should omit his own present right and interest, in regard of some future contingent inconveniences, which may, by the wind and the weather, happen to some foreign ships, and should provide against their dangers, but not his own.' The memorial goes on to allege that the practice would deprive foreign ships of their men, and hinder merchant ships in their voyages, and men of war in their expeditions.—'As if his Majesty,' observes the judge, 'must be deprived of the use of his own subjects, for his own expeditions, that foreigners may make use of them in theirs;'—and he concludes, 'I do, with all humble submission, think, that a grant of what is prayed in the memorial would make the sovereign right of no effect, and at one blow destroy all the precedents and continued practices, by which hitherto it has been exercised and confirmed.'

The complaints of the Dutch of our unfriendly treatment of them, in visiting ships of war, in search of English seamen, had indeed induced King Charles II. to bring the matter under serious consideration. In 1677 it was discussed at the Board of Admiralty, at which the king, as was not unusual in those days, presided in person. The standing instructions being read, and the first point, regarding the search of foreign ships of war for English subjects, and the demanding and taking them out, being submitted, it was resolved—'*It is our right, and to be continued.*' It appears, however, from the Pepysian Papers, ultimately to have been settled that, although the practice was too ancient, as well as justified by the king's natural rights, to make any variation in the instruction, with respect to the demanding them from foreigners, yet it was judged advisable to leave out the clause which compels the master to pay them their wages,

wages, as being unreasonable on many accounts; and though the article of examining foreigners was to continue in the public instructions, yet Mr. Pepys was directed to draw out a private article, instructing our commanders to be discreet in the execution of it to foreign merchantmen; and as to men of war, only to make use of such fair means as they could, without any force; to inform themselves of the number and names of his Majesty's subjects on board them, and, if refused to deliver them up on a fair demand, to report the matter to the Admiralty, in order that the king may demand them together with satisfaction for their detention. (*Pepys' MS. Collection.*) We are not aware that any instructions subsequent to the reign of Charles II. authorized the searching of men of war, nor do we know of a single instance of the kind having occurred since that of 1687, till the affair of the Chesapeake.

The conduct of Admiral Berkeley in this business was, as we have stated, wholly disapproved by his government, and he was immediately removed from his command. 'For this unauthorized act of force, committed against an American ship of war, his Majesty did not hesitate to offer immediate and *spontaneous* reparation.' In the mean time Mr. Jefferson, instead of waiting the result of his representations to the British government, issued a violent proclamation, calculated to irritate the minds of the American people against the English;—and interdicting the waters of America to all British ships of war: an interdiction which was itself a measure of hostility, forasmuch as the ships of war of the French, the other belligerent, were at that time, in full enjoyment of the shelter and convenience of the American harbours. Even after the voluntary offer of reparation, twice repeated, to the utmost possible extent of the injury, with the single proviso that this hostile proclamation of Mr. Jefferson should be recalled, it was not till a few months ago that the petulant and perverse humour of the American government would accept the reparation; and not even then without an insulting and offensive observation from Mr. Robert Smith, who is charged by the President to say, that 'while he forbears to insist on any farther punishment of the offending officer, he is not the less sensible of the justice and utility of such an example, nor the less persuaded that it would best comport with what is due from his Britannic Majesty to his own honour.' There is something so ludicrous in Mr. Madison's instructing his secretary to convey lessons of honour to his Britannic Majesty, that we feel anything but indignation at the intended insult.

We are at a loss to discover what could have prevailed on Mr. Madison to insert in his message any notice of the affair of the *Lille Belt*, in the shape of a complaint, since his own officers have proved, by their evidence, that Commodore Rodgers was the aggressor.—

It is proved that Commodore Rodgers bore down on the *Lille Belt*; it is proved that he endeavoured to place his ship in a position for raking the *Lille Belt*; it is proved that Captain Bingham wore three times to avoid the President's taking this advantage. Commodore Rodgers avows that he 'took a position to windward on the same tack, within short speaking distance,' and that '*the chase* appeared, from his manœuvres, anxious to prevent it.' The aggression then is on the part of Commodore Rodgers. But which of the two fired the first shot? If we consider the difference of force, we must set down Captain Bingham as a madman, before we can consent to allow the *Lille Belt* to have given the first shot. The minutes of a court of inquiry, held at Halifax, prove the President to have fired first; the minutes of the American court-martial prove the *Lille Belt* to have fired first. Hence the *quantity* of proof is pretty nearly equal; as to the *quality* of the evidence, we shall not make one single observation. But there were two seamen on board the President at the time of the aggression, who have voluntarily made oath as follows. *William Burkett*, an Englishman, sworn at Deptford, deposes that the President fired the first gun by accident; that he turned round to acquaint the lieutenant with this circumstance, but that, before he could do it, the whole broadside of the President was discharged; and that immediately after, a general order was given to 'fire away as quick as possible.' *John Russell*, an American, sworn at Bristol, deposes that he was on board the President at the time of the action; that the first gun was fired by accident from the President: that the guns had locks, and were all cocked; that, after the action, he was informed by the men in the waist, that a man had been entangled with the lanyard of the locks, which occasioned the gun to go off. But we really do not think it worth an argument who fired first; the true question is, who chased? who took an hostile position? who placed the ships in that situation in which even the accidental firing of a gun, must inevitably produce decided warfare? who came down with his ship cleared for action,—the crew at their quarters, —guns double-shotted, matches lighted? The neutral! He who had not an enemy on the seas, makes a display of all this 'pomp and circumstance of war,' and then complains of the hostility of those who had used all their endeavours to avoid his *double-shotted neutrality*. If to all these circumstances we add the important consideration that Captain Bingham was directed, by Admiral Sawyer's instructions, 'to be particularly careful not to give any just cause of offence to the government or subjects of the United States of America;' and that Mr. Madison has thought fit to conceal the orders under which Commodore Rodgers chased the *Lille Belt*, we think it is pretty clear, that the wisest policy of the American govern-



government would have been to have wrapped up the conduct of their Commodore in profound obscurity, and covered, with the veil of discretion, this uncalled for effusion of American valour.

England has voluntarily and distinctly disclaimed the practice of searching ships of war. Not content with this concession, the United States set up the pretension that 'free ships make free goods,' and 'claim the right to use the ocean as the common and acknowledged highway of nations.'

This claim, we presume, is put forward either to deny the 'right of search' of merchant vessels, or to provoke a discussion of the English title to the dominion and sovereignty of the seas. It will not be our misfortune, we sincerely hope, to see the day when the former shall be abandoned. As to the latter, we are of opinion that the pretensions to this right, set up by Selden and others, went no farther than that right which conquest, and an uninterrupted superiority of naval power, had achieved, and which had obtained the sanction of most of the nations of Europe.

Great Britain never pretended to any legal and possessory right, to the exclusion of others. The first idea of sea dominion seems to have been taken from the ordination of the laws of Oleron, which were promulgated from that island by Richard I. on his return from the Holy Wars, obeyed by all seafaring people in the western parts of the world, and made the common standard of right and wrong in the maritime law of nations. It must, however, be observed that Richard was Duke of Aquitaine and Normandy, and, in right of the latter, lord on both sides the English Channel; for which reason a code of laws was necessary to regulate the intercourse between his English and French subjects and those of his allies, and for the more speedy and impartial determination of all controversies which might occasionally arise. The laws of Oleron are but, in fact, a transcript of the old Rhodian laws to which all the surrounding nations conformed; and the adoption of them in England infers no more a sea dominion, than it conferred on the Romans the sovereignty of the Mediterranean, for conforming themselves, in their maritime affairs, to the laws of the little republic of Rhodes. The ordinance at Hastings, made by King John in the second year of his reign, ordered all ships laden or empty, 'to strike their sails at the command of the King's governor or admiral, or his lieutenant.' King John, being in possession of Normandy, was lord of both shores; and it has never been disputed that he is lord of the intermediate river who is lord of both banks. This, therefore, was nothing more than a mere municipal regulation for merchant vessels, and implied nothing whatever of sovereignty.

The right of the flag was demanded from all nations in the British seas, from a very early period of our naval history.



Philip II. of Spain was shot at by the Lord Admiral of England, for wearing his flag in the narrow seas, when he came over to marry Queen Mary.

Sir William Monson says, that, in 1605, he met with a Dutch admiral in Dover roads, and made him not only strike his flag, but keep it in all the while he was in company.

In the Earl of Northumberland's first voyage to sea, the *Happy Return*, meeting the Spanish fleet, consisting of 26 sail, between Calais and Dunkirk, made them strike on their own coasts.

In 1647, a fleet of Swedish men of war, and ten merchantmen, bound for Constantinople, refusing to strike to some of our men of war off the Isle of Wight, an engagement ensued, and they were all brought into the Downs, but soon released.

In 1672, the Count D'Etrées, vice-admiral of France, joining the Duke of York, with a squadron of 34 men of war, saluted him with 13 guns, and struck his flag.

In 1663, Sir R. Holmes, going down the Swin, in the *Charles*, met the King of Denmark's brother coming into the river with his flag flying, and suffered him to go by without striking, for which he was sent to the Tower.

In 1675, Captain Joseph Harris, commander of the Quaker ketch, having struck his topsail to a Spanish man of war, in the bay of Biscay, was tried at a court-martial, and sentenced to be shot to death; and he was accordingly brought upon deck, and men stood ready with their muskets to shoot him; but was pardoned, under the great seal, in consideration of his former good services, and known proofs of courage.

King Charles II. in his declaration of war against the Dutch in 1671, observes, 'The right of the flag is so ancient, that it was one of the first prerogatives of our royal predecessors, and ought to be the last from which this kingdom should ever depart, &c.—Ungrateful insolence! that *they* should contend with us about the dominion of those seas, who, even in the reign of our royal father, thought it an obligation to be permitted to fish in them!' And King William's declaration of war against France, in 1689, has these words: 'The right of the flag, inherent in the crown of England, has been disputed by his (Louis's) orders, in violation of our sovereignty in the narrow seas, which, in all ages, has been asserted by our predecessors, and which we are resolved to maintain for the honour of our crown, and of the English nation.'

In the general printed instructions to the commanders of ships of war, issued by order in council of 1734, and continued down to 1806, the article runs thus;

'When any of his Majesty's ships shall meet with any ship or ships belonging to any foreign prince or state, within his Majesty's seas, (which extend

extend to Cape Finisterre,) it is expected that the said foreign ships do strike their topsail and take in their flag, in acknowledgment of his Majesty's sovereignty in those seas; and if any shall refuse, or offer to resist, it is enjoined to all flag officers and commanders to use their utmost endeavours to compel them thereto, and not suffer any dishonour to be done to his Majesty."

But the right of the flag, as well as that of searching ships of war, has been abandoned. When the glorious victory of Trafalgar had swept every hostile fleet from the ocean, the new general printed instructions, issued immediately after that battle, dropt the article respecting the flag altogether. How far this concession of a right so highly prized by our ancestors, was wise or politic, we will not trust our feelings to argue. But it is, at least, a refutation of the charge so frequently brought against us of being 'the tyrants of the sea.' Possibly, indeed, it is not our injustice, but our too great concession and moderation which has produced or encouraged these captious complaints. Had England maintained the state of her naval throne, America would never have dared to refuse obedience and reverence to her power.

The modern Charlemagne, however, talks of 'restoring the liberty of the seas.' A specimen of what that liberty would be, were the French flag triumphant, the Americans have already had in the destruction of their merchant vessels by French incendiaries. Let Mr. Jefferson himself furnish the description. Speaking of French armed vessels, (but concealing the name,) some with, some without, and others with illegal commissions, 'they have captured,' says he, 'at the very entrance of our harbours, as well as upon the high seas, not only the vessels of our friends, coming to trade with us, but our own also: they have carried them off under pretence of legal adjudication; but not daring to approach a court of justice, they have plundered and sunk them by the way, in obscure places, where no evidence could arise against them, maltreated the crews, and abandoned them in boats in the open sea, or on desert shores, without food or covering.\*' Yet it is by these people that America expects her 'maritime rights' to be respected; these are the apostles of the liberty of the seas.

3. The impressment of American seamen furnishes an inexhaustible topic of appeal to the passions of the multitude. In the last message, Mr. Madison adverts to it only in a general way among those other wrongs 'of which America has to complain;' but the committee make ample amends for the President's silence.

'While we are laying before you the just complaints of our merchants against the plunder of their ships and cargoes, (by the French, let it be observed, though designed as a charge against England,) we

\* Jefferson's message to Congress, in December, 1805.

cannot refrain from presenting to the justice and humanity of our own country, the unhappy case of our impressed seamen. Although the groans of these victims of barbarity for the loss of (what should be dearer to the Americans than life) their liberty; although the cries of their wives and children, in the privation of protectors and parents, have of late been drowned in the louder clamours at the loss of property, yet is the practice of forcing our mariners into the British navy, in violation of the rights of our flag, carried on with unabated rigour and severity.'

Bold and often repeated clamours, however groundless, seldom fail in making their impression; and as this is a subject that must ever be a source of irritation, we have taken some pains to ascertain the true state of the case, from which we think it will appear that the *Americans* are not the aggrieved party.

We presume it will not be denied that the king has a right to the services of every British seaman; that all British-born subjects owe him allegiance, which they cannot shake off, but which follows them wherever they go; and that no *rights* of citizenship conferred on them by a foreign sovereign can exempt them from the *duties* which they owe to their own. Those duties they are called upon to perform by the king's proclamation, during war. The officers of the navy are directed, by their instructions, to search for such British seamen in foreign merchant vessels, and to take them out whenever found. By the same instructions his Majesty's officers are forbidden to impress foreigners, who are in fact protected by act of parliament; as well as by the law of nations. There is no difficulty whatever in discriminating British seamen from all foreigners, except Americans. The American tonnage has more than doubled itself within the last ten years. This vast increase of tonnage not only affords employment for British merchant seamen, but encourages desertion from the British navy. In such a state of things, it would be madness to forego the only means of reclaiming to the service of the sovereign the multitude of British seamen, whom not any unnatural preference for a foreign service over that of their own country, but accidental circumstances, the love of novelty and change, and temptations held out to them of superior advantages (held out, but never fulfilled) have seduced into the American mercantile navy.

Where similarity of language and external appearance produce so great a difficulty in discrimination, it would be idle to pretend that no mistake is ever committed; but a very slight consideration is sufficient to shew that for one wrongful assertion of the claim, there are and must be a thousand cases in which our just claims are eluded.

An act of Congress, entitled 'An Act for the Relief and Protection of American Seamen,' passed no doubt for the purposes which it

it professes, requires that every vessel leaving the several ports of the United States, should be furnished with a 'certified list' of the crew, to be granted by the collectors of the customs, on the oaths of the masters of the respective vessels to whom it is given; describing the persons, place of birth, and residence of the individuals composing the crew. It is fair to presume that a seaman found on board an American vessel, and not entered on the 'certified list' is not an American citizen. In such a case, therefore, it is usual for our officers to reclaim him. But his name being on the list is no proof whatever that he is an American: the master only swears 'to the best of his knowledge,' or 'as far as he has been able to discover,' that A. B. is a citizen of the United States; and where it is his interest not to know or not to discover, it cannot be supposed he will take much pains to undeceive himself. But the 'act of Congress' farther provides, 'that the collector of every district shall keep a book or books, in which, at the request of any seaman, being a citizen of the United States of America, and producing proof of his citizenship, authenticated in the manner hereinafter directed, he shall enter the name of such seaman and shall deliver to him a certificate,' &c. But by some strange omission, the '*manner hereinafter directed*' is not directed or described at all, nor is there any farther mention made about *proof*. The consequence of which is, that those 'collectors certificates' are profusely issued without any proof at all.

Two examples, out of two thousand that we could give, will be sufficient to shew with what ease these 'certificates' are fraudulently obtained. The first is that of an English seaman who had protected himself ten years from the impress by a 'collector's certificate' obtained in the following manner.

'Henry Donaldson maketh oath and saith, that he procured a protection of Joshua Sands, collector of New York, on the 15th of December, 1800, then assuming the name of Henry Kent, which he obtained on the affidavit of a woman who swore for several other Englishmen on the same day; that an objection was made at the time by some person in the custom-house to the validity of this woman's oath, *she having sworn to so many in so short a time*; but that the collector said, as the woman had sworn to them, he must sign them. He says the woman was charged with having sworn to some hundreds in a short time. Sworn at Liverpool, 17th of May, 1810, before me,

(Signed) *Thomas Golightly, Mayor.*

Another man, impressed at Liverpool at the same time, carried about with him a 'certificate' of birth, &c. signed by Mr. Graaf, deputy collector of Philadelphia, which he obtained by giving an old man four dollars for swearing 'that he knew his father and mother, &c.' the man had neither father nor mother, as described in the affidavit, and had never been in America before.

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But the evil extends still farther. It is not even necessary to go to America to procure these 'certificates;' they are to be purchased at most of the sea ports of the United Kingdom. The crews of American vessels are not only entered on the 'certified list,' but are also furnished with these individual protections; frequently in duplicate, and even triplicate; they are offered for sale to British seamen; the age and description are altered and erased to suit those of the purchaser; a ceremony however, which is not always observed, as it is by no means uncommon for a man with blue eyes and sandy hair, to carry about with him a 'collector's certificate' describing a mulatto.

If to the vast number of protections thus issued from the American custom-houses, with so little caution and without any proof, be added the numerous forgeries of this kind of document, and the protections that are granted by the American consuls and vice-consuls, and notaries public, it is not surprizing that English seamen, in the disguise of Americans, should be met with in almost every English vessel that navigates the ocean.

We have partly the means of ascertaining the extent of the injury sustained by Great Britain from the profuse supply of documents we have been describing. We have seen a 'collector's certificate' of Philadelphia bearing a number above 20,000, and one of New York exceeding 12,000, of Boston above 8,000. We should underrate the other ports collectively at 40,000 more; and taking into the account the forged certificates, the duplicates and triplicates, the certificates of consuls and notaries, we are certainly within bounds in estimating the outstanding number of 'protected' American seamen at 100,000. What proportion of these may be real American *native* seamen, or born of American settlers, it would be difficult to determine. The whole tonnage of Great Britain in the merchant and transport service employs about 120,000 men. To allow to America one-third of this number would probably be allowing her too much; but to keep within bounds, we will admit it to be one-half: there would still remain 40,000 British seamen navigating merchant ships of our own and neutrals, under cover of American protections.

It appears from a correspondence that took place between Mr. Monroe and the Secretary of State in 1804, that about one-fourth part of those seamen, whose discharge from the British navy had been applied for by the consul at various times, had produced satisfactory proofs of American citizenship; the remaining three-fourths were really British seamen. Taking the number of nominal-Americans serving in the navy at 4,000, which we understand is beyond the calculation, we cannot on these data reckon the number of Americans serving in the British navy at more than 1,000.

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If this statement be correct we are injured in a forty-fold proportion to America, by the effect of the 'Act of Congress for the relief and protection of American seamen.' It would be little short of madness then, we repeat, and an act of political suicide, to give up our right of search for British seamen, and to admit the American flag to protect all those sailing under it. We have heard indeed that it has been more than once suggested, by the American government, that some compromise or modification of the exercise of this right might be devised, which should equally with the actual search itself, secure the object of retaining to Great Britain the services of all her seamen. If the American government has any such arrangement to propose, there will of course be no indisposition on the part of this country to examine it. But we cannot forbear to express our extreme apprehension that the substitution of any other less simple mode of enforcing this undoubted right would be found to multiply the opportunities of evading it. We protest against any scheme of paper security, any accumulation of certificates and of oaths, of which we have but too much already. And seeing no other that has been, or (as far as we know) can be devised,—we content ourselves with observing on this proposal of the American government, that it clearly, unequivocally, and in a manner more satisfactory than a direct and naked acquiescence, admits the legality of the right, and the necessity of the practice for which it offers a substitution. Against this right, therefore, surely America will not go to war.

What then can be her motive for assuming her present hostile attitude towards Great Britain? It cannot be the wantonness of wealth, since their Secretary of the Treasury tells them that the state of their finances is not even equal to the peace establishment. Mr. Jefferson, in a message to Congress in 1805, observed;—'It may be the pleasure and pride of an American to ask, what farmer, what mechanic, what labourer, ever sees a tax-gatherer of the United States?' We leave to Mr. Gallatin the *pleasure and pride* of answering the 'American's' question.

Can it be the love of conquest? This is a very natural object for a great military power: but for a power whose army is yet a project on paper, it seems *prima facie* not a very intelligible one. We learn, however, from the gentleman who brought up the report of their Committee, that they will take Canada. What proportion of the 25,000 men which they are to raise, they will be able to bring against Quebec, after having conquered 500 miles of territory, and garrisoned Montreal, and all the intermediate forts, after all the casualties of so long a march, of partial skirmishes, and regular sieges, we do not venture to calculate; nor even to hint at the opposite supposition, that the invading force, if it should ever reach the capital

pital of Canada, might possibly arrive there as captives rather than as conquerors.

As to the capture of the British West India colonies, it may be just sufficient to observe that the warlike navy of America, as enumerated in their official reports, does not appear to be quite competent to such an achievement.

The confiscation of the debts due from American citizens to British subjects (the third great belligerent measure of America) is unquestionably more within their power. But of this, it must be remembered that it is equally within their power in peace as well as in war; and for aught that we see, or have heard, or read of the practice of civilised nations, would be equally justifiable. The hint, however, has, we think, been improvidently thrown out by America; for, anticipating as we do with no less anxiety than any of our fellow subjects, the renewal of commercial intercourse with the United States, we are not without our apprehensions that the very circumstance of such a measure as this confiscation of individual debts, having been in contemplation, may operate here as a warning against the extravagant length of credit which our merchants have been in the habit of giving to their American correspondents.

Considering the war on the part of America, as a war for commerce, we are not aware what advantages she designs to herself from it. Her trade, it is true, may be cramped by the present state of the European world: but her exports still amount, as we learn from Mr. Gallatin, to more than forty-five millions of dollars; and of these exports more than five-sixths are carried to Great Britain and her allies.

The following is the statement made by Mr. Gallatin, of their goods, wares and merchandize of domestic growth, and manufactures exported in the year ending September, 1811,

	Dollars.
To Great Britain - -	20,308,211
Spain and Portugal - -	18,266,466
Baltic - - - - -	3,055,833
France and Italy - - -	1,194,275
Other countries - - -	2,469,258

Dollars. 45,294,043

But a calculation of the balance of injuries, which the belligerent parties would probably sustain, can furnish but a miserable motive for going to war. How much more rational and politic and just is it to appreciate duly the vast advantages of remaining at peace! War must inevitably injure both England and America. The only power that would be benefitted by such a rupture, is at work



work to stimulate America to provoke hostilities with England. We trust, however, that England will still bear with the forward humour of America. Her character will not suffer by her forbearance. We deprecate a war with America on every consideration; we could even wish that some sacrifices should be made on our part to remain at peace with her; but we would not be bullied into the smallest particle of concession. If America does not expect (as surely she cannot) that by placing herself in 'a warlike armour and attitude,' she can frighten England out of her maritime rights; does she hope that an alliance with Buonaparte will remove all restrictions on her commerce? Does she not know that Buonaparte hates commerce and all its concerns? Has she forgotten the answer he made to a deputation of the merchants of Hamburgh on their humble representation that 'his measures would involve them in universal bankruptcy, and banish commerce from the continent?' 'So much the better,' exclaimed the tyrant, 'so much the better; the bankruptcies in England will be more numerous, and you will be less able to trade with her. England must be humbled, though the fourth century should be revived, commerce extinguished, and no other interchange of commodities than by barter.'

Here we have a complete exposition of the doctrines and the views of this implacable foe to all free governments. His frequent allusions to the 'dark ages of the fourth century,' and the 'return to barbarism,' are not so much the angry effusions of the moment as the settled purpose of his soul; they are 'the scope of all his actions, the tenour of all his discourses.' All his regulations and restrictions are directed to the annihilation of commerce, and to the prevention of intercourse between different nations, as the most effectual means of extinguishing liberty among mankind. But above all the commerce of England is hateful to him, because, as the sensible author of 'War in Disguise' has observed, 'while it is light at Dover, it cannot be wholly dark at Calais.' Destruction and desolation are his attributes. War, eternal war, is his motto, till the last spark of European liberty has been extinguished, and the last vestige of a free government obliterated by the tread of a colossal despotism.

Next to England, America is his bane and his terror. The people of this country being derived from the same stock, speaking the same language, breathing the same spirit of liberty, have qualities quite sufficient to rivet his hatred. The American gentleman, who has so ably written 'on the genius and dispositions of the French government,' and who, from his situation in Paris, had every opportunity of hearing what the public opinions were, declares that every person, whether in or out of office, who had any intimate con-

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nexion with the government, spoke the same language of contempt and menace on the subject of the United States.

'The Americans were a nation of fraudulent shop-keepers; British in prejudices and predilections, and equally objects of aversion to the Emperor, who had taken a fixed determination to bring them to reason in due time.' 'The British,' he continues, 'he hates, and dreads, and respects. The Americans he detests and despises. He detests them as the progeny of the British; as the citizens of a free government. He despises them as a body of traders; according to his views, without national fame or national character; without military strength, or military virtues.'

To what then are we to ascribe the partiality of America towards France? There is no natural attachment between them, no community of sentiment, no mutual relation of benefit. If partiality towards France be denied, whence then, we would ask, proceeds the angry and blustering tone against England? The 'view' taken by the writer of the 'State of Parties,' ascribes the conduct of America, not to our blockades, our orders in council, the searching of their ships, or impressing their seamen, but to internal causes entirely arising out of the peculiar structure of the American government.

It is well known that America has long been divided into two parties; the federal, and the anti-federal. The former comprizes a majority of the men of fortune, talent, and education: of this party were Washington, Adams, Hamilton, and many others, by whom the federal government was established, and conducted for twelve years, in the course of which America made a most rapid progress in prosperity and reputation. The anti-federal or French party, a turbulent democratical faction from the beginning, is said to be composed of adventurers from all countries, men of desperate fortunes and ruined characters, leaders of the rabble with whom they familiarly mix, whose manners and dress they affect to imitate, and whose services they command whenever they find it necessary to raise a clamour or collect a mob. The superior vigour and activity of this faction, in 1800, raised Mr. Jefferson to the presidency. This gentleman is described as being, in the strict sense of the phrase, a modern *philosopher*; a pupil of Rousseau; a reasoner on universal liberty, and universal philanthropy, whom all the horrors of the French revolution, and the total annihilation of liberty by the military despotism which it engendered, were insufficient to drive from his preconceived idea, that virtue could exist only in democracy. Fugitives from all parts of the world were received with open arms by this patron of cosmopolites. French regicides, Irish rebels, and malefactors of every kind, who had fled from the offended laws of their country;—'deodands of the gallows,' (as they

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are significantly called by an American author,) 'who had left their ears on the whipping posts of Europe'—found an asylum in America. Whole shoals of this description flocked to the President's standard; many of them were admitted to his confidence; some were employed in the inferior departments of government; some were thrust into Congress; and to others was entrusted the conduct of the press, that great instrument of factions in America. A democratical journal is published in every little town; in some of the larger, eight or ten, all teeming with abuse of England, and of the federal party, who are reproached for a supposed attachment to the land of their forefathers. Mr. Madison, it is said, imbibed the principles, and follows up the views of his master. His policy is represented as fluctuating with every batch of news that is wafted from Europe across the Atlantic; and as vibrating to the feelings and the sentiments of a set of adventurers in the seaport towns, men without character and without a country; as appealing to the opinion of the mob, and the bending to that opinion.—In one word, America is said to be, at this moment, as much swayed by the clamorous rabble and the democratic clubs of the seaport towns, as the Directory of France was in the very worst periods of the Revolution.

If this be a true description of the present state of parties and of the government in America, we can easily account for the loudness of the war-cry which is now raised there. We trust, however, that there is equal truth in the assurance, which we have received from good authority, that the respectable part of the United States desire nothing more anxiously than the preservation of peace with England; and although the large majorities in Congress on the resolutions for war measures, may seem to disprove this statement, and although we confess ourselves by no means satisfied with the manner in which these majorities are accounted for by some persons who profess to be in the secret of American politics, and who tell us of a settled plan of the federal party to urge on the democrats to the brink of a war, as the surest means of getting the government into their own hands, and rescuing the country from destruction; a conduct in our opinion of dangerous and doubtful policy; we trust nevertheless, that better counsels will yet ultimately actuate America—she will open her eyes to her true interests, she will see her own prosperity in the prosperity of Great Britain; and in those maritime rights, against which she joins with France, at this moment, in clamouring so loudly, she will see, not merely the safeguards of British power, but the surest protection of American independence.

'They that will needs bear all the world before them by their *mare liberum*, may soon come to have *nec terram, nec solum, nec rempublicam*

*rempublicam liberam*,'—was the postscript to a pamphlet written on the breaking out of the Dutch war in 1672. Let America ponder it; and consider how long her territory, her soil, and her form of government would be free, if the freedom of the seas were established, in the sense in which France calls for it, by the destruction of the British navy.

**ART. II.**—*The Life of the Right Reverend Beilby Porteus, D. D. late Bishop of London.* By the Rev. Robert Hodgson, A. M. F. R. S. Rector of St. George's, Hanover Square, and one of the Chaplains in Ordinary to his Majesty. Second edition. London, Cadell and Davies, 1811. Prefixed to an Edition of Porteus's Works.

*The Life of Dr. Beilby Porteus, late Lord Bishop of London; with Anecdotes of those with whom he lived, and Memoirs of many living and deceased Characters.* By a Lay-Member of Merton College, Oxford. London, J. Davies, Essex-street. 1810.

**BISHOP** Porteus was sufficiently 'great in his generation,' and sufficiently distinguished by his talents and virtues, to make it desirable that the attention of the public should be fixed upon him by some authentic and judicious detail of his life and character. We have two biographical sketches of him before us. One of them, 'by a lay-member of Merton College, Oxford,' (of what class above the porter, does not appear,) is an ill-written, inaccurate, and meagre performance. The author tells us, that his object was to do justice to the memory of a deserving character, and to hold up the example of his virtues for the benefit of society. We have only to express a wish, that he had well considered his competence to the task. Had this been the case, the public would not have been informed, that Bishop Porteus was born in America, though he was really born in England,—that he made no advances in mathematical study at Cambridge, though he took the degree of tenth wrangler—that he obtained the Chancellor's prize for a classical essay, which prize never existed—that 'his person was tall and commanding,' (p. 252,) whereas he was a thin slender figure under the middle size, &c. Nor would they have had before them, under the title of a life of Bishop Porteus, a strange medley of various matters, dissertations on Yorkshire schools, on academical education, &c. mixed up with desultory ill-digested observations and opinions—together with endless memoirs of Bishop Horsley, Lord Thurlow, and others, inserted for no other apparent reason than that they were his contemporaries.

Mr.

Mr. Hodgson, the other biographer, comes forward with far better pretensions and qualifications. As he was personally connected with the bishop, he had greater advantages in ascertaining facts and circumstances of a domestic nature; he has also been enabled to produce his opinions on several occasions, by having the use of his private papers; and, by intimate acquaintance with him in his familiar circle, to delineate with truth and accuracy the nicer traits of his character. The doubt in the public mind will always be, whether the person possessing these advantages will be disposed to make that fair and honest use of them which justice requires; and whether, in fact, he will not produce rather a panegyric on the deceased, than a faithful picture of his life and manners. In the present case, Mr. Hodgson, if he has written with the partial hand of an admirer and a friend, appears to have given the outline of what he relates with scrupulous endeavours at accuracy, and has enabled the public, even should they not adopt his opinions, to form a correct judgment for themselves. His style of composition is respectable; that is, he has put together his materials and related his facts in unaffected and perspicuous language. Now and then, indeed, we regret to find him stopping his narrative for the purpose of introducing observations of his own, which, being at least irrelevant, it would have been better to omit. He has proceeded, however, with a very praiseworthy caution and exercise of discretion in his use of the bishop's papers. The extracts, indeed, which he has given, are all so extremely interesting, and display for the most part the character of their author in so favourable a point of view, that the public will rather be of opinion that too little has been brought forward than too much. In such matters, however, it is impossible for any one to judge, except the person under whose immediate inspection the papers come.

Beilby Porteus, one of the youngest of a family of nineteen children, was born at York, in 1731. His parents, of English extraction, were natives of North America. His father is mentioned as a person who possessed an independent fortune while he resided there; but, having removed with his family to England for the advantage of giving a better education to his children, and thus placed himself at a distance from his sources of income, he suffered a very considerable diminution in the means of supporting his family expenditure. Beilby Porteus had no other advantage of education in early life than that which was afforded by a common north-country grammar school. At the usual age he removed to Cambridge, where he recommended himself by his studiousness and regularity, and gave no unpromising proof of talents and industry. The year after he took his bachelor's degree

he was elected fellow of the college to which he belonged. He supplied the deficiency of his income at this time by undertaking the care of some private pupils; and, as he became more known, he acquired an increasing character for respectability of conduct, and literary talents. His only publications during the academical part of his life, seem to have been his poem on Death, which had obtained the Seatonian prize, and a sermon preached before the university, on the character of King David. The poem is one amongst the very few written for the Seatonian prize, which have not sunk into oblivion soon after their appearance. It did not procure for him the title of 'one of the first poets of the age,' as the lay-member of Merton College gravely tells us, (p. 16,) but it deserved to obtain for him some reputation for poetical talent. It is written in all parts with feeling, and in many with taste: the plan of it is well conceived; the descriptions are strong, glowing, and spirited; the language now and then borders on the harsh and uncouth, and the rhythm is at times not quite harmonious. Few poems so good ever proceeded from any person who has remained without celebrity for poetical merit. The sermon on King David was occasioned by a licentious pamphlet called 'The History of the Man after God's own Heart,' which had made a dangerous impression on the public mind, by a most false representation of David's character, and of the reasons for which he was approved by God. This sermon, drawn up with great care, ability, and judgment, completely refuted the misrepresentations which had been sent abroad. It was very favourably received, and appears to have contributed much towards the foundation of his future fortunes, for it introduced him to the notice of Archbishop Secker, who appointed him one of his domestic chaplains.

Here then, in 1762, commenced a new era in his life. At Lambeth, he had the advantage of pursuing his studies with the assistance of a good library. Archbishop Secker proved a kind friend and a liberal benefactor: he gave him some preferment after he had resided with him two years, by which he was enabled to marry; and shortly after he added the rectory of Lambeth. At this time he took his doctor's degree at Cambridge, and preached a sermon before the University, which was afterwards sent to the press. A singular circumstance resulted from the publication of this sermon. The preacher had lamented the want of sufficient attention to theology amongst the different academical studies. These observations happened to catch the attention of a gentleman in Norfolk, Mr. Norris, who was induced to form and endow a permanent professorship for the purpose of giving theological lectures to the students, and also to institute an annual premium for the best essay on some theological subject.

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Archbishop Secker died in 1768. Dr. Porteus, actuated by grateful remembrance of a person who had proved to him the kindest and the best of friends, and in discharge of a trust reposed in him by will, revised and edited his sermons, lectures, and other writings. To these he prefixed a review of the Archbishop's life and character, written with elegance and judgment. If he employed the language of panegyric, it was the panegyric in which the partiality of grateful friendship might well be indulged, and which the opinion of an admiring public acknowledged to be not much overcharged. On one or two subsequent occasions, he stepped zealously forward to defend the memory of his respected patron.

After the death of Archbishop Secker, Dr. Porteus divided his residence between Lambeth and another living which he held in Kent, and performed with exemplary diligence the duties of a parish priest. He was promoted in 1776 to the bishopric of Chester. This preferment, Mr. Hodgson tells us, was perfectly unsolicited, and wholly unexpected, till a short time before it took place: 'The lay-member of Merton College' informs us that his promotion was owing to the Queen, who obtained much popularity by contributing to elevate so deserving a character. Having performed the duties of diocesan of Chester for eleven years, he was promoted in 1787 to the bishopric of London. He is said to have left his former diocese with reluctance, having attached himself to it by much intercourse of civility amongst the clergy and other inhabitants, and projected several plans of improvement which he was unwilling to break off. His appointment to the diocese of London is referred by the member of Merton College to the same illustrious patronage which had befriended him before. It appears, by Mr. Hodgson's account however, to have been owing to the express recommendation of Mr. Pitt, who considered him to possess the best qualifications for the situation. Subjoined to a copy of Mr. Pitt's letter, informing him of his appointment, the following words were found written with the Bishop's own hand: 'I acknowledge the goodness of a kind Providence, and am sensible that nothing but this could have placed me in a situation so infinitely transcending my expectations and deserts.'

He was now placed in an exalted station, the duties of which were arduous, and required great zeal and activity, combined with judgment and temper. We will take under separate consideration the different parts of his conduct, in the more immediate exercise of his functions as a diocesan, in his exertions to check the growth of immorality and irreligion at home, and in his more public and comprehensive plans of promoting the great cause of civilization and humanity abroad.



In attending to the immediate business of his dioceses his diligence was unwearied. The charge which he delivered to the clergy at his first visitation in the diocese of Chester, is printed amongst his tracts. In this he enlarges with earnestness on the studies and habits most suited to the clerical character, enforces particularly the advantages of personal residence, and recommends an attention to decorum as to dress and appearance, no less than to matters of more essential importance. The personal residence of the clergy indeed was at all times a primary object of his consideration. By keeping this constantly in view during the long period of his presiding over the diocese of London, he effected an important change in this respect; insomuch that at the time of his decease, where accidental circumstances did not interpose, an adequate accommodation was provided in every parish, and the proper minister was actually resident. In his primary charge to the diocese of London, which is also printed, he recommended, besides this momentous object of parochial residence, an increase of salary to the curates employed; and he also wished to direct the attention of the clergy to an improvement in church psalmody, as he well knew that the dissenters make great use of music to allure congregations. Another subject which he was always earnest in recommending, was the instruction of the poorer classes: as a means of effecting this, he promoted the establishment of Sunday schools; and, while he was bishop of Chester, addressed a letter to his clergy, forcibly pointing out the advantages of such institutions, and the good effects to be expected from their more extensive adoption. The Bishop felt a considerable share of that anxiety which all friends to the Established Church must feel at the present time, at the increase of separation from our communion, and the spreading taint of sectarian fanaticism; and as the most efficacious means of counteracting this growing evil, enforced upon his clergy the necessity of attending with increased zeal to the regular and conscientious discharge of their ministerial duties.

‘It is a fact,’ he says, in his last charge, ‘that when the itinerant preacher goes out upon his mission, he commonly looks out for those parishes where the shepherd has deserted his flock, or is so indolent, so lukewarm, so indifferent to its welfare, as to make it an easy prey to every invader. In general, he prudently keeps aloof from those parishes where he sees a resident minister watching over his people with unremitting care, grounding them early in the rudiments of sound religion, guarding them carefully against the false glosses of dangerous delusions of illiterate and unauthorized teachers, bringing them to a constant attendance on divine worship in their parish churches, and manifesting the same zeal, activity and earnestness, to retain his people in the church of England, which he sees others exert to seduce them from it.’—HODGSON’S LIFE, p. 173.

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That attention, however, to the calls of duty which Bishop Porteus was so earnest in enforcing upon others, he was most forward to pay himself. In particular, for the purpose of checking indifference to religious duties and dissipation of manners, which appeared to him to be fixing themselves by firmer roots in our national character, he determined to deliver, at St. James's church, his course of lectures on St. Matthew's gospel. The success which attended them exceeded his expectations: the church was always crowded; the audience not only listened to him with attention, but appeared to feel what he said, and went away gratified and improved. He ever after expressed great satisfaction at the effect which these lectures appeared to have on the public.\*

In counteracting the growing depravity of the times, to which he seems to have been invariably impelled, not by a forward love of meddling and reform, but by an heartfelt desire of doing good, he had many difficulties to encounter. To interfere with effect in such matters requires not only zeal and earnestness, but good sense and well-tempered discretion. The world, it must be remembered, always has been, and probably always will be unwilling to be reformed. The public are immediately disposed to raise against those who attempt any correction of their morals, the cry of puritanism:—they misrepresent their motives—accuse them of an overfondness for meddling with other people's concerns, or of a moroseness of disposition which is unwilling to tolerate the most harmless indulgence. Bishop Porteus made himself obnoxious to these charges; but while it is allowed on all hands that his views were the purest and best, it does not appear that he was overforward, or that he even verged on puritanical strictness in the measures which he attempted.

Among the primary objects towards which he directed his attention was that of procuring a more religious observance of the Sabbath. While he was Bishop of Chester he was mainly instrumental in procuring a law connected with this important object. It appears that about the year 1780, some houses of entertainment

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\* Amongst other business connected with the care of the diocese of London, Mr. Hodgson mentions (p. 142) the bishop having brought to a successful issue in 1800 a long contest with a clergyman, Mr. Bate Dudley, respecting the presentation to a living. This clergyman, animadverting in a recent pamphlet, on what Mr. Hodgson has here said, has publicly accused the bishop of having practised a deception on him, and has engaged to make the charge good by publishing all the letters and evidence which concern the business. We will not insult the memory of the bishop so much as to admonish the public that *till such a charge be made good by clear and decisive proof*, his high and unsullied character must be held to give it the fullest negative.

on the evenings of the Sabbath had been opened in the metropolis, and that debating societies for the discussion of religious topics had also been established. Bishop Porteus was struck, in common with many others, at the alarming evils which such institutions might produce; he waited for some time to see whether any person better qualified than himself would take up the subject; but being disappointed in this, he determined to try what his own exertions could effect: accordingly he procured the assistance of a legal friend to draw up a bill, which he submitted to the judgment of several eminent persons before he introduced it into parliament. It passed through both houses, with some opposition; the bishop supported it himself in the House of Lords by an excellent speech. It proved effectual in preventing the evils against which it was directed.

At a subsequent period, when he was Bishop of London, he addressed a circular letter to his clergy earnestly recommending exertions for the purpose of procuring a more reverential observance of the Sabbath. And with the view of beginning the reformation in a quarter where it was but too much wanted, viz. amongst the higher ranks of society, he endeavoured to procure a declaration by the principal nobility and gentry in the metropolis, engaging to abstain from travelling and giving entertainments on the Lord's day. His success was partial. His views were misrepresented; absurd reports were spread of the puritanical strictness which he wished to enforce, and of the measures which he had in contemplation to deprive the common people of the most harmless recreations. The bishop's reflections on this are thus expressed: 'That men who wish to see not only the Lord's day, but the christian religion extinguished in this country, should raise such an outcry against a measure calculated to preserve both, is no wonder; but that men of sense, and piety, and virtue, should adopt the same language, and join in the profane and senseless uproar, is perfectly astonishing.' On another occasion he observed with great concern, a prevailing custom in the fashionable world of holding Sunday concerts at private houses, at which professional performers were engaged to sing. He deemed it of such importance to check a practice of this indecorous nature, that he wrote several letters to ladies of high rank, pointing out the evil tendency of it. He had the satisfaction of finding that his remonstrance was received with attention, and followed by the effect which he so anxiously wished. The last public act of his life was directed towards the same object. The account shall be given in his own words.

'I had for some time past observed in several of the papers, an account

count of a meeting, chiefly of military gentlemen, at an hotel at the west end of the town, which was regularly announced as held every other Sunday during the winter season. This appeared to me, and to every friend of religion, a needless and wanton profanation of the christian Sabbath, which by the laws both of God and man was set apart for very different purposes; and the bishops and clergy were severally censured for permitting such a glaring abuse of that sacred day to pass without notice or reproof. I determined that it should not, and therefore thought it best to go at once to the fountain head, to the person of the highest and principal influence in the meeting, the Prince of Wales. I accordingly requested the honour of an audience, and a personal conference with him on the subject. He very graciously granted it; and I had a conversation with him of more than half an hour. He entered immediately into my views, and confessed that he saw no reasons for holding the meeting on Sundays more than on other days of the week; and he voluntarily proposed that the day should be changed from Sunday to Saturday, for which he said that he would give immediate orders.' —HODGSON'S LIFE, p. 249.

In furtherance of the same views, the bishop as soon as he was advanced to the diocese of London, took pains to extend a society recently established for enforcing the King's proclamation against immorality and profaneness. His idea was, to check the profligacy of the times by inducing persons of rank and character to associate for the purpose of putting the laws in force, and convicting offenders. Of this society, better known to the public by the name of the Society for the Suppression of Vice, he afterwards became president. The profligate and contemptible part of the world were, of course, the enemies of such a society, and assailed it with every weapon of low buffoonery and petulant abuse. The society has undoubtedly done much good by bringing to public justice some notorious offenders, by checking some indecorous practices, and by procuring some beneficial legislative enactments. That such an institution is perfectly lawful in its principle, can admit of no doubt; for its first and avowed purpose is to produce those effects which the legislature intended, by putting the laws in force: and it would be the vilest abuse of words to call it a society of informers, when its object is not private gain but public utility. It is true, that the end proposed may not be always pursued with discretion and moderation. The zeal of individuals is apt to deviate into excess, especially when directed towards schemes of reformation, however desirable. Add to this, that under the mask of detecting abuses, a prurient disposition to pry into the characters of others, and needlessly intermeddle with their concerns, may too easily be generated; and there will be a risk that persons may enter into the management of such a society, who will pursue

pursue extravagant notions, or attempt something foreign to the immediate purpose. The bishop, however, saw the subject in a better light; and it may be safely affirmed, that if the society could always be under guidance like his, its acts would not have been subject to any question.

Of the more public transactions to which he devoted his zeal and attention, the most important were the improvement of the condition of the West India slaves, and the abolition of that inhuman trade itself.

To the first of these objects he directed his attention so early as the year 1783, when he was Bishop of Chester. He preached before the society for propagating the Gospel, a sermon recommending the civilization and conversion of the West India negroes; he printed at the same time a plan for carrying it partially into execution; but as other views and interests prevailed with those who were most concerned, his efforts were then unsuccessful. Soon after his accession to the diocese of London, he addressed a letter to the clergy of the several West India islands, exhorting them most earnestly to attend to the condition of the negroes, and to instruct them in the principles of the Christian religion. An opportunity soon occurred of doing something more effectual: a considerable sum of money, left by Mr. Boyle for the promotion of christianity among infidels, for which as Bishop of London he was trustee, happened to be placed at his disposal by a decree of the Court of Chancery; and he immediately appropriated this to the instruction and civilization of the West India negroes. A society for this purpose was accordingly founded, of which he was president, and he was indefatigable in his endeavours to promote the object: he employed great care in the selection of proper ministers to act as missionaries; he made a selection of passages from the old and new Testaments, which he thought best suited to the apprehension of the negroes, and he endeavoured by all possible means to secure the co-operation of the planters. The success of his unwearyed exertions, he often lamented, did not answer his wishes; but he expressed his confidence, that perseverance would at last surmount all obstacles, and accomplish the desired end.

But to the abolition of the slave trade all the energies of his mind were directed. The first step towards this measure was Sir William Dolben's bill in 1788, for regulating the number of slaves conveyed in each ship, and alleviating the miseries of the voyage. The bishop was so anxious during the progress of this bill, that he attended the House of Lords from Fulham every day for a month. And in the long and arduous struggle which preceded the final abolition, he was always foremost amongst the most strenuous supporters of the cause.

‘ Next

'Next to the great and paramount concern of religion,' says Mr. Hodgson, 'it was the object of all others nearest to his heart. He never spoke of it but with the utmost animation and enthusiasm. He spared no pains, no fatigue of mind or body to further its accomplishment. He not only expressed his sentiments on every occasion that presented itself publicly and strongly in Parliament; but he was indefatigable in urging all, over whom he had any influence, to conspire and co-operate in what he considered the general cause of civilized man against a most intolerable system of cruelty and oppression. In short, the best years of his life, and all his talents and powers were applied and devoted to it; and I believe the happiest day beyond comparison, that he ever experienced, was the day of its final triumph.'—HODGSON'S LIFE, p. 222.

The bishop himself, in his reflections on the final abolition, says,

'The act which has just passed will reflect immortal honour on the British parliament and the British nation. For myself, I am inexpressibly thankful to a kind Providence for permitting me to see this great work, after such a glorious struggle, brought to a conclusion. It has been for upwards of four and twenty years the constant object of my thoughts; and it will be a source of the purest and most genuine satisfaction to me during the remainder of my life, and above all, at the final close of it, that I have had some share in promoting to the utmost of my power the success of so important and so righteous a measure.'—HODGSON'S LIFE, p. 217.

Such were the unwearied exertions of the bishop to fulfil the duties of his high station in the church, to extend the influence of religion, and to compass the ends of the purest philanthropy. He lived to his 78th year, and retained the full possession of his faculties. During the last year or two of his life, an increasing weakness had been gradually marking the approach of death. The final close of his life is thus related by Mr. Hodgson, p. 251.

'Within a few days after this interesting occurrence, (the interview with the Prince of Wales before mentioned,) a visible and alarming alteration took place in the bishop's already shattered and exhausted frame; and it became evident to those most constantly with him, that nature could not much longer sustain the shock. He was himself indeed strongly impressed with the conviction, that his end was fast approaching; and he contemplated the event with all that calm, composed resignation, which nothing can inspire but a deep sense of piety, and a devout religious submission to the will of God. On Thursday the 10th of May I saw him for the last time; and never can I forget the affecting solemnity of voice, and look and manner, in which he begged my most earnest prayers for his early and easy release. He said little more to me, for his mind seemed wholly absorbed in the near prospect of an eternal world. The following day he was at his own desire removed to Fulham; and for a short time the change of air appeared to cheer and exhilarate him.

As

As he sat the next morning in his library, near the window, the brightness of a fine spring day called up a transient glow into his countenance; and he several times exclaimed, O, that glorious Sun! Afterwards, whilst sitting at dinner, he was seized with some slight convulsions, which were happily of short duration; and he then fell, *as it seemed*, into a gentle sleep. From that time, however, he never spoke, and scarcely could be said to move. Without a pang or a sigh,—by a transition so easy as only to be known by the pressure of his hand upon the knee of his servant, who was sitting near him,—the spirit of this great and good man fled from its earthly mansion to the realms of peace!

Bishop Porteus is said by Mr. Hodgson to have mixed with peculiar pleasantness and freedom in the private intercourse of society; he had particularly the talent of dissipating all reserve and restraint in persons around him, and of placing them perfectly at their ease. He was ever fond of promoting lively and cheerful conversation; he expressed himself in common society with facility and perspicuity, and his colloquial remarks were characterized by correct judgment and accurate information.

In estimating the moral qualities of his mind, his great characteristic was an unfeigned warmth of benevolence. The main plans and objects of his life were conceived and pursued in this spirit. He entered into them not merely from the cooler considerations of duty, but with an earnestness and a glow of feeling which shewed that his whole heart and soul were in the business. In private acts of munificence, the same feeling seems to have marked his conduct. His charities, Mr. Hodgson tells us, were so extensive, that he can hardly speak of them without risking the charge of exaggeration. The poor and the necessitous always found in him a warm and ready friend; he was disposed to deal out his donations with discrimination, but often ran the risk of being imposed upon, for the chance of relieving real distress. He was ever a liberal contributor to charitable institutions. Besides this, he made some donations on a larger scale during his life, than is often observed in the example even of the most wealthy and munificent. Among these was the transferring of nearly £7000 stock for the relief of the poorer clergy in the diocese of London, and the erection and endowment of a chapel of ease at Sundridge in Kent, at a very considerable expense.

He was unalterably attached to the church of England from principle, and the firmest persuasion of its superior excellence; and held its articles, homilies, and liturgy, to be essentially and fundamentally scriptural.

'The Calvinistic interpretation of them,' Mr. Hodgson says, p. 265, 'he would never admit to be the true one, and in this opinion he was

firm



firm and consistent. He conceived them to speak the language of scripture, which, in his view of it, was decidedly adverse to the sentiments of Calvin. Upon this point I wish to be distinctly understood as asserting from my own positive knowledge, that in no one article of faith, as far as they differ from our church, did he sanction the tenets of that school; on the contrary, I have heard him repeatedly, and in the most unqualified terms, express his astonishment, that any sober-minded man, sitting down without prejudice to the study of the sacred writings, should so explain and understand them.

He was a true friend also to the discipline of the Church, and supported it with firmness on just occasions. In the cant language of the day, he was often styled a methodist: but, as far as disapprobation of wild fanaticism and enthusiastic pretensions to immediate inspiration could exempt a man from this imputation, no one was ever more free from it.—On some points connected with the relative state of the church and dissenters, he differed from many of his brethren; particularly in the zealous support which he invariably afforded the ‘British and Foreign Bible Society.’ That his views in this were truly benevolent, cannot admit of the slightest doubt; some indeed have questioned whether his conduct was as much guided by sound discretion as it was prompted by real goodness of heart; but this is foreign to our present business.

He was not friendly to the claims of the Irish Catholics, although he never publicly expressed his sentiments on the subject. The following opinion is produced from his private papers by Mr. Hodgson, p. 200.

‘If the petition from the Catholics of Ireland had been for a more complete toleration in matters of religion, though it can hardly, I think, be more complete than it is, there was not an individual in the House who would have given a more cordial assent to the petition, than myself. I am, and ever have been, a decided friend to liberty of conscience. The truth is, it is an application for political power, and that power, I for one, am not disposed to grant them, because I believe it would be difficult to produce a single instance where they have possessed political power in a Protestant country, without using it cruelly and tyrannically.’

The bishop’s reputation as a preacher was deservedly high. Independently of the sterling merit which his discourses possessed, he had the best external qualifications for excellence as a pulpit orator. His voice was clear and sonorous; he had the power of modulating it with good effect: his delivery was correct and chaste; his manner dignified and impressive. Above all, he appeared to feel as he spoke: there was an animation and earnestness about him, without the smallest tincture of art or affectation, which came home to the bosom of his hearers, and gave effect to every word.

Mr.

Mr. Hodgson does not claim for him the credit of profound erudition or comprehensive research. He appears indeed to have possessed a mind, less formed for a close and patient investigation of any one subject, than for a diffused attention to several. We should characterise him rather as a just thinker, than a deep one. In regard to theological attainments, we should describe him as a clergyman well informed in the studies of his profession. He is said by his biographer to have been, to a certain degree, an Hebrew scholar, well versed in ecclesiastical history, in the evidences of religion, and in the different systems of theology: and we have no doubt that his knowledge in all these was sufficiently respectable. His apprehension seems to have been quick, his taste correct, and his memory retentive. The distinguishing and prominent feature of his mind was a rich and exuberant imagination, which gives a peculiar warmth and colouring to his style. He did not excel in analysis or nice discrimination, nor was he remarkable for a keen penetrating sagacity. As a reasoner, he is not distinguished by a close and logical accuracy: still his arguments are generally so well conceived, and always so dressed out with expression, as forcibly to strike the attention.

As a writer, Bishop Porteus now presents no doubtful claim to distinction; for the public voice long ago pronounced a decision in his favour by the most unequivocal of all proofs, the rapid and extensive circulation of his works. In the edition now before us, several of his compositions are mentioned as published for the 11th, 12th, and 13th time. It is creditable to the public taste that his writings should have acquired this high popularity; for their excellencies both as to matter and style, well deserve it.

His sermons, 35 in number, occupy two volumes of the present edition: and it is on these that his literary reputation will chiefly rest. We consider them amongst the best productions of this kind, which the present times have produced. Without giving him the title of a first-rate master of eloquence, or placing him in the same rank with a Barrow or Jeremy Taylor, for copiousness and richness of invention, and the sublimer flights of genius, we would claim for him a respectable rank amongst those divines who have composed useful, elegant, and impressive pieces of pulpit oratory. He appears to have written with ease to himself, to have had a ready command of words, and those generally the most proper. There is, on the one hand, a total absence of false glare and inflation; and on the other, an elevation of spirit which prevents his sinking into flatness and insipidity. The peculiar charm of his pulpit compositions is undoubtedly that which we mentioned to have characterised his manner of preaching; a degree of glow and animation, which shews him

to

to have entered with earnestness into his subject, and to have had all his feelings interested in it. We see before us not the cool reasoner, but the zealous impassioned orator, who is earnestly bent, not merely on convincing, but on persuading; not merely on presenting the truths of which he treats, to the understandings of his hearers, but on impressing them deeply on their feelings. Accordingly, the department in which he particularly excels, is the application of his subject to the circumstances of those whom he addresses. If we were disposed to find any fault with the composition of his discourses, it would be, that he is sometimes a little too desultory—there is an occasional tendency to fly off from one topic to another, and to press different views of the subject in a confused mass on the mind.

His lectures on the gospel of St. Matthew, which occupy also two volumes of this collection, have maintained, since their publication, that popularity with which they were received at their first delivery. It need not be said, that they present no claim to originality of research. The author had merely in view to excite the attention of the public to useful and improving topics, by digesting an exposition of the gospel in an alluring form, and in clear intelligible language. He has executed his task with accuracy and judgment. The lectures are not calculated for the learned theologian; but they will always form a useful manual for students and general readers who wish to obtain information on the subjects of which they treat. In these lectures, his happy talent of making a forcible application to the feelings of his hearers, is, we think, more conspicuous, and more skilfully displayed than in his sermons.

Among his tracts, his Essay on the beneficial effects of Christianity displays more extensive research and general acquaintance with authors ancient and modern, than any other of his productions. A singular testimony to the merit of his little tract containing 'A Summary of the Evidences of Christianity,' is given by Mr. Hodgson (p. 280.) On its being projected to attempt the conversion of the Ceylonese, several tracts on the evidences of Christianity were put into the hands of some intelligent natives, in order to ascertain which was likely to have most effect: they all gave a decided preference to that of the Bishop. Accordingly, this tract was translated into the Cingalese language.

On the whole, Bishop Porteus must be pronounced a distinguished ornament of the English church. This church, if she does not rank him among the greatest and most prominent of her sons, for genius and erudition, will place him at the least among those who have been most useful in their generation,  
among

among those who have been most remarkable for unfeigned piety and active philanthropy. If she does not raise him to the same station with her Sherlocks, her Warburtons, and her Horsleys, she will delight to add his name to the list of her Tillotsons and her Seckers, of those who, possessing not a soaring genius, but respectable talents, have devoted themselves with unwearied industry to the most beneficial pursuits. Undoubtedly, there have been many English divines of more commanding powers, of more profound erudition, of greater polemical acuteness, than Bishop Porteus; but it might not be easy to name a prelate who has surpassed him in that rectitude of intention, benevolence of heart, and warmth of devotion, which are the brightest graces of the Christian character; or who has laboured with more sincere and earnest zeal, in endeavouring to purify the morals, to elevate the piety, and to promote the eternal welfare, of his fellow-creatures.

ART. III. *Travels in the Island of Iceland, during the Summer of the Year 1810.* By Sir George Steuart Mackenzie, Baronet, Fellow of the Royal Society of Edinburgh, &c. &c. &c. Edinburgh, Constable and Co.; London, Longman and Co.; Cadell and Davies; Miller; and Murray. 4to. pp. 510. 1811.

*Journal of a Tour in Iceland, in the Summer of 1809.* By William Jackson Hooker, F. L. S. and Fellow of the Wernerian Society of Edinburgh. London, Verner and Co.; Miller, Albemarle-street. 8vo. pp. 545. 1811.

‘ A PART, how small, of this terraqueous globe  
Is tenanted by man! the rest a waste,  
Rocks, deserts, frozen seas, and burning sands,  
Wild haunts of monsters, poisons, stings and death!  
Such is earth’s melancholy map!’

SUCH, rather, was the gloomy humour in which Young contemplated it; for in reality the map is less dismal than the poet represents it; and if he had remembered the triumphs over natural difficulties which man obtains, not less by the pliability than by the fortitude of his nature, he might have found matter for happier contemplations. The moral map, indeed, may well make a wise man mournful, but not the physical one. The Arab, amid the sands of the desert, and the Greenland, amid snows and everlasting ice, are equally contented with their lot; and if we were asked to lay our finger upon that spot of the globe where history affords to the philosopher the least cause for humiliation and sorrow, it would be upon an island in the Northern Ocean, situated upon the very limits of the living world.

Whether

Whether Iceland was the *Ultima Thule* of the ancients, is a question which has been much discussed, and which, were it possible, it would be of little importance to determine. The first person who is known to have seen it, was a northern pirate, by name Naddoc or Naddodr; he was driven thither by a tempest in the year 861, and gave it the appropriate name of *Snoeland* from its appearance. His report induced Gardar Suaverson, a Swede, to visit it, who, like some of our modern navigators, unnecessarily changed its name for the sake of substituting his own. The third visitor was Flokko: he took with him some ravens, and when he supposed himself near the end of his voyage, let one loose, thinking to be directed by its course; but the bird, having soared to a great height, turned back toward Norway. After some days a second raven was liberated, which, like his ancestor of the ark, could find no rest for his feet, and returned to the vessel; but on the third and last trial, Ralph snuffed the land, and flew straight towards it. Flokko seems to have gone either with the intention of forming a settlement, or of reconnoitering with a view to one; he past one winter at Watusfiordur, in the gulph of Breidafjord, and a second on the southern coast; and from the quantity of ice which, in the intervening spring, filled the gulph, he gave the island its present appellation. Upon his report, a party of Norwegian nobles, who could not brook their subjection to Harold Harfagre, determined to emigrate thither, under the guidance of Ingulf and his kinsman Hiorleif. Their leader took with him the door-posts of his former dwelling, and when he approached the coast, threw them into the sea, meaning to fix his house upon the spot where they should be stranded: this was a customary superstition among these northern adventurers; akin to, and perhaps arising from a feeling still preserved with little diminution in Spain, where the *solar* or family floor is regarded with a sort of reverence, and gives an honorary title to old families. But Ingulf was borne away in a different direction, while that which should have guided him drifted out of sight. He landed at a promontory in the S. E. part of the island, called at this day Ingulfshöfði; the feeling, however, with which he regarded the custom of his country was so strong, that three years afterwards, when the door-posts were discovered, he removed with his family to the auspicious place. It happened, by a singular coincidence, to be the spot where the present capital of the island stands.

Iceland was not in those days the dreadful country which it is now; the climate was far less severe, and its tremendous volcanoes had not yet broken out. The way once open, adventurers followed in great numbers. Harold encouraged this at first, because it rid him of turbulent spirits, whom it might have been difficult to restrain at home; but the emigration became so great, that

in order to check it, he imposed a fine of four ounces of silver upon every person who should leave Norway to settle in Iceland. In the course of threescore years, the whole of the coasts and most of the habitable parts are said to have been peopled. Danes and Swedes, as well as Norwegians, repaired thither, and emigrants even from Scotland and Ireland. The leader of every fresh party established himself like a feudal chief, dispossessing those who were weaker than himself, if he did not find a track to his mind which was unoccupied. After half a century of continual broils, an end was put to this anarchy by the establishment of a general government. The island was divided into four provinces, each under an hereditary governor; these were subdivided into twelve departments, each also having its hereditary lord; and these again into smaller districts, called *hreppar*, which were under four elective magistrates, whose business it was to maintain good order, and especially to attend to the condition and management of the poor. Every *hreppar* had its assembly, composed of all the inhabitants who possessed a certain property, and were of unblemished character; their proceedings were under the cognizance of the assembly of the department, which was composed of the lord and of deputies from the *hreppars*; an appeal lay from hence to the provincial assembly, and finally to the states general, who held their annual meeting on the shores of the lake of Thingvall.

This great assembly was called the *Althing*, and nothing can be more striking than the picture which it presented. The magistrates, the legislators, and the assembled people lived in tents, pitched upon the banks of the river Oxeraa, where it enters the lake. The lake is about ten miles long, and from three to seven in breadth. It is a wild and dreary scene, bearing around it marks of the convulsions of nature. There are two islands in the lake, composed entirely of volcanic matter. The mountains at the southern end continually send up vapour from their hot springs; some of the rocks have been rent by earthquakes, and others formed by lava. When the *Althing* was originally instituted, these convulsions had not laid the country waste; but it must always have been a solemn scene. The assembly took place in the open air upon the grass: and if any culprits were condemned to death, the men were beheaded upon an islet in the river; the women drowned in a deep pool. Here, for more than eight centuries, the general assembly was held, till, about ten years ago, it was removed to Reikjavik, somewhat perhaps to the immediate convenience of the people, yet with some injury to their feelings, and with an ominous disrespect of antiquity, and of all which deserves veneration. Here the *Langman* or *Langsaugumadur* presided, the chief magistrate of the whole island, who held his place, as long as he filled it to the satisfaction of the nation. He was the public speaker, the supreme

preme judge, and had the charge of promulgating all the laws enacted by the *Althing*. Under this system, though frequently disturbed by intestine broils, Iceland flourished as an independent republic for nearly 400 years. In 1260 the people consented, in an evil hour, to become subjects of the King of Norway; with Norway they were united to the dominion of Denmark, and the consequences of that union are to be seen in their present state.

Guided by a happy instinct, says M. Mallet, the Icelanders established their fine constitution at once, as bees from their hives. The truth is, that they followed the order of the hive from which which they had swarmed, making only such alterations as adapted it to the circumstances in which they were placed. In one material circumstance they differed from the other branches of the great northern family, by whom the kingdoms of modern Europe were founded; and to this, though it seems to have been overlooked by all the writers upon Iceland, the activity and prosperity of their golden age may in great measure be attributed. They had taken possession of a country which was uninhabited, and gaining it thus by occupancy instead of conquest, the great evils of the feudal system had no existence among them. Slavery was unknown among the Icelanders, and they escaped those ages of oppression and barbarism, through which all the Gothic kingdoms past in their progress, before the conquerors and the conquered were blended into one people, and a common language had been produced by the intermixture. Centuries elapsed before the English tongue became as polished as the Saxon was during the heptarchy: it is true, we had authors who wrote in Latin, but their writings could have no influence upon the people; whereas the Icelanders, from the time of their first settlement, had their own poets and historians, and were thus, when compared with the rest of Europe, a literary as well as a free people.

The local situation of their country was also a material advantage in those ages; they felt the benefit of inhabiting an island as we do now, being removed from all the wars of the continent; and they felt it when we did not, because Iceland had nothing which could tempt the Vikings to ravage its shores; when in England there were to be found the remains of Roman luxury and the produce of Saxon labour, gold and silver in the monasteries, corn in the granaries, and mead and ale and wine in the cellars. The sea kings never went north in their expeditions: it was only by bettering their climate that they could find the booty of which they were in search. Iceland offered nothing which they did not possess at home.

The enterprizes of the Icelanders took a different direction, probably because they could not go south without encountering a people stronger than themselves. Erich Randi, or the Redheaded, was



banished for three years, for having slain a neighbouring chief; it so happened that a man, by name Gunbrœrn, had not long before discovered land to the westward; the exile sailed in quest of it, wintered at an island, examined the main land during the second year, and, at the expiration of the third, returned and persuaded many of his countrymen to form a settlement in this new country; which he called Greenland, as if by its name to denote the advantages which, according to his description, it possessed over their land of ice and snow. So successful were these representations, that no fewer than five and twenty ships followed him thither; but of these only fourteen reached their destination. They settled in East, or as it is now called Old or Lost Greenland; an appellation which denotes the singular and melancholy fate of this once flourishing colony. Fresh colonists pursued their course both from Iceland and Norway, and the country was peopled both on the east and west sides as high as latitude 65. The new colony was formed before the conversion of the mother country: but all the Gothic nations have been converted with remarkable facility, and these Greenlanders soon became Christians, and received a bishop from Norway.

The loss of this colony is one of the most singular events in human history; their loss it may literally be called, for, to use the words which Montgomery has so well applied to a different occasion,

‘This sole memorial of their lot  
Remains; they were—and they are not.’

The last authentic accounts of their existence are towards the close of the fourteenth century. The pestilence which, under the name of the Black Death, devastated Europe in the middle of that century, is supposed to have reached this remotest region of the north. In Iceland two-thirds of the population were cut off by it; it is therefore scarcely to be imagined that their neighbours should have escaped the same dreadful visitation, especially as, unlike other pestilences, the farther north it proceeded the more destructively it raged. But the room made by such ravages would soon have been filled up, and there is reason to attribute the loss of East Greenland to a more permanent evil. During the winter of 1348, the whole of the coast of Iceland was frozen, so that a horseman might have ridden from cape to cape round the island. Such a circumstance had never occurred before since the country was discovered; and it seems probable that in this winter the accumulation of ice began, which has blocked up the coast of East Greenland. The drift-ice, collecting along its shore, maintained its ground during one inauspicious summer; if a land breeze had arisen and sent it on its way to better latitudes, Iceland and Lapland would not have been at this day the cheerless regions which they

they are; but having resisted the summer, it took root, as it were, along the coast and has continued to increase, producing effects upon the climate of the north, which we ourselves in some degree experience.

The spirit which founded the empire of Manoa for the Incas, and placed the ten tribes beyond the Sabbatical river, has been busy with the lost Greenlanders. A Dominican is said to have returned from a Greenland convent of his own order in 1545. It was dedicated to St. Thomas, and, according to his account, heated by a fountain of hot water, which served for all the culinary purposes of the community and was conveyed by pipes through all their apartments. The brethren also irrigated their garden from the same source, and by this means produced the most delightful flowers and fruits in a land of ice and snow. A tale worthy to have been invented by Urreta himself, being as veracious, but in better keeping than his history of the monastery of Plurimanos in Abyssinia, four leagues in circumference, which is inhabited by 9000 Dominicans, and contains the Queen of Sheba's library. Urreta, indeed, was an outrageous liar even in his own order, who, in that catholic accomplishment, bear away the bell from all others: the Greenland story is a modest fiction, and whenever history offers a chasm of this kind, the fabler, who fills it up, finds willing listeners to his inventions; so much more delightful is it to indulge the imagination than to exercise the reason. Wild as it is, this tale obtained belief, and for more than a century geographers repeated it after each other, and inserted in their maps the *Cænobium S. Thomæ*. The last report of the lost Norwegian colony comes down to 1752, when the Moravian missionaries heard, from a native traveller, of a people on the east side of greater stature than the Greenlanders, with black hair and great beards; and who were the terror of the other inhabitants, because having once been compelled to eat human flesh by the severity of a winter famine, they had continued the diet by choice, and made *mikkiak* of their dead; that is, they laid them in a pit with other meat, and so eat the flesh half raw and half frozen. These human Ghowls were not, however, content, like the Tapuyas of Brazil, to let their friends die a natural death before they ate them; they killed the old and the orphans; and if a stranger appeared among them he was fair game. Such a race there may be; but their black hair, as well as their manners, shews them not to be the remains of Eric the Red-Head's colony. The only certain intelligence was procured by Egede, a man whom the Romanists would have stiled a saint had he belonged to their communion; and whom it does not become a Christian of any communion to mention without admiration and reverence. In one of his expeditions to the inlet, called Ball's river, he found the ruins of a church in a beautiful valley, and clay-houses

likewise in ruins, and overgrown with grass and thickets of birch, willow, elder and juniper. In another expedition, at a place which the Greenlanders called Kakoktok, between the 60 and 61 degrees, he found the ruins of a church, 50 feet long and twenty broad, having one great house and many smaller ones near it, and the walls of the church-yard yet standing. He cleared away a heap of rubbish from the church, in hopes of finding some Norwegian antiquities. The Greenlanders, who were with him, could hardly be prevailed upon to perform this labour, fearing that the souls of those who were buried there would take vengeance for being disturbed. They could do little for want of proper tools: all that they discovered were a few coals, bones, and broken urns; proving either that the place had been used for burial before the colonists were converted, or that, after their conversion, they burnt their dead.

The discovery of America by the Icelanders, and the establishment there of a colony from East Greenland, are facts which no writer will now pretend to controvert: all traces of this settlement are lost at a very early age. The latest account is that in 1121. About a century after the discovery, a bishop from Greenland went thither to convert the settlers. It seems probable that they were cut off by the natives whom they called *Skrællings*, who crost over to West Greenland, and are believed to have contributed to the extinction of the Iceland-colony. We now know that these people are *Esquimaux*, a knowledge which the Moravian missionaries have procured for us; and it is not a little extraordinary to find one of the most feeble of the American tribes, not in numbers, but in strength and stature, appearing as a formidable and destructive enemy to men of the race of the conquerors of Europe.

The discoveries and settlements of the Icelanders were made before their conversion to Christianity. That event took place toward the close of the tenth century: the first missionary who is known to have preached among them was a Saxon bishop by name *Friederic*; the first church was built in 984, by *Thorvard Bodvarson*. Baptism in those days was performed by immersion, and many persons who had no other objection to receiving the new religion, objected to this initiatory rite: because it would be indecent they said, to go naked into the water like boys. A sort of compromise was made with them: they renounced paganism by suffering themselves to be signed with the cross; and though this did not entitle them to be considered as Christians, it gave them the privilege of eating with those who were baptized, and of being buried close to the church-yard. It is apparent from this account, that the missionaries were politic enough, like the Moors in India, to hold up their religion as more honourable than that of the idolaters. The Irish also scrupled at immersion, but it

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was for a widely different reason: original sin was too convenient, as well as too agreeable a thing for them to be content to part with it entirely, so 'they used,' says Stanihurst, 'a damnable superstition, leaving the right arm of their infants unchristened, (as they term it,) to the intent it might give a more ungracious and deadly blow.' The Irish made another curious improvement upon baptism: water was good enough, they thought, for the infants of the poor; but gentlemen's children were baptized in milk:—it is odd that they did not give the preference to whiskey.

The Skalds were the great opponents of Christianity in Iceland; for the same reason that Demetrius the silversmith and his craftsmen opposed it at Ephesus. The mythology of the country was in great measure their own invention; or at least they did for it what Hesiod seems to have done for the fables of the Greeks. But it was less their profession than their vanity which was wounded by the threatened triumph of another faith; for from this mythology they had made up a poetical language as strange as the 'Correspondencies' of Swedenborg. Had the missionaries been like the Quakers, who insist upon christening the days of the week, this obstacle might have been insurmountable—the poets, however, have always enjoyed a dispensation for as much paganism as suited them,—till Mr. Toogood and the editors of the Methodist Magazine agreed that the heathenish word *Muse* was not to be tolerated in Christian poetry: and the Skalds, by virtue of this dispensation, continued to exercise their craft after they had found it expedient to change their faith.

Von Troil gives a good sample of their figurative stile. 'I hang the round beaten gaping snake on the end of the bridge of the mountain bird, at the gallows of Odin's shield.' The round beaten gaping snake is, in Skaldic phrase, a ring; the end of the bridge of the mountain bird, is a finger, because the falconer carries the hawk on his hand. Odin is put for the sake of dignity. It was usual to hang the shield on the arm, and hanging suggested the ingenious antonomasia of gallows for arms: so that the sum total of this nonsense, when put into plain language, is merely, I place the ring on the finger.\* *Hof*, in Icelandic, has the same meaning as its Eng-

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\* It is worthy of remark that Gongora, unquestionably a man of great powers, invented a style of poetry precisely similar to this in Spain, two centuries ago, in the golden age of Spanish literature; and what is more extraordinary, the style found admirers. The first half dozen lines of his *Solitudes* will show the resemblance.

Era del año la estación florida  
En que el mentido robador de Europa  
(Media luna las armas de su frente,  
Y el sol todos los rayos de su pelo)  
Luciente honor del Cielo  
En campos de Zafiro pace estrellas.

lish derivative, hoof; but it likewise means decency and moderation: and if an Icelandic poet wished to mention either of those qualities, it was considered an elegance to express them by some periphrasis for a horse's hoof. We are told that this diction was fashionable, but that it can ever have been popular is impossible; and it is equally impossible that any men of real genius should ever have continued to wrap up their meaning in such cumbrous circumlocutions. In fact, the best pieces of Runic poetry which have reached us are free from such absurdity.

The Runic poems resemble the Welsh in the endless complexity of their metre. That the Gododin of Aneurin, and the Hirlas Song of Cyveilioc should breathe the same spirit, and savour of the same manners as the Death Song of Regner was to be expected; but that the Keltic and Runic bards should equally have studied all the artifices of versification, and that anything so complex as their art of poetry should have been invented in ages so barbarous, are curious facts in the history of civilization. Perhaps the Welsh, though they hated the Saxons, knew the fame of the Skalds, and imitated them, thinking the same skill might be displayed to more advantage in a richer and more harmonious language. This is probable, because their earlier poems, which are considerably anterior to any that we possess of Gothic growth, are ruder in their construction. The Welsh remains are exceedingly valuable, and deeply is the world of letters indebted to the excellent and learned historian of the Anglo-Saxons for so incontestably establishing their authenticity, and to the individual,\* who at his single expense has so munificently secured them from farther danger by means of the press: they contain nothing, however, so curious as the earlier and later Eddas.

But was the mythology of the Edda at any time the belief of the Gothic nations? Certainly not more than the tales in Ovid's Metamorphoses were the belief of the Romans, and probably less, for there is reason to believe that the Skalds went on with their work of invention long after the conversion of these people to Christianity. Scarcely a trace of it is to be found in Saxo-Grammaticus: and Verstegan, Schedius and Sammes show no other resemblance to this highly poetical system, than that of a few names. The days of the week are seven good witnesses and true, and four of the seven bear testimony that the superstition of our Saxon forefathers differed considerably from the machinery of the Skalds. Sunday and Monday are not classical Pagans; if they were, they would have been *Solday* and *Lunday*:—the Roman etymology

\* Mr. Owen Jones. It is no exaggeration to say that this gentleman has given a more munificent proof of his love of literature than any of its boasted patrons.

would

would have been preserved as it is in the five unchristened days of the Spaniards. Verstegan's portraits would have come to us with more authority, if he had told us when the idols sat for them—but we know from Cæsar that the sun and moon were gods of the Germans—in the Edda they only appear in a very insignificant fable, and Tuisco and Sator do not appear there at all. It is manifest therefore that the Skalds have dropt half the mythology; and this renders it probable that they modelled to their own fancy what they retained. Lok, though in the Edda he is evidently the devil of a sportive imagination, seems to have left his traces in our word *luck*—with the Romans the very reverse of this process took place: when they erected altars to Fortune, the personage originated from the word, with us the word owes its origin to the personage. This is the difference between the superstition of a barbarous and a civilized people. Apotheoses of this kind have not entirely ceased; they are still in use among the poets, and at less expence of diction than they were a generation ago. Then if the poet thought proper to elevate hope or fear, or any other of the family, into the rank of an existing being, it was necessary to designate the gender; but since the last improvements in printing, the reader is let into the secret more easily. It is but beginning the word with a capital letter, now that the other substantives have ceased to be thus distinguished; and *presto*, the metamorphosis is complete.

Travellers in the days of Romance write of a country called Hanyson, where a generation of Christians were preserved from 'a cursed Emperor of Persia, that hight Saures,' by being miraculously enveloped with a cloud of darkness. That darkness, it was said, was an impenetrable rampart for them and their posterity, while those within lived in the light and under the blessing of Heaven. The people of the adjoining country could hear at times their voices and the crowing of cocks and the neighing of steeds; but all communication was impossible. Iceland, in its best ages, was almost as much concealed from the rest of the Christian world, enjoying, during the long twilight which, in Europe, preceded the dawn of knowledge, not indeed a sunshine of its own, but a clear boreal light. For several centuries the Icelanders seem to have suffered no political evils whatever; an exemption, of which the history of the world affords no other example: Arcadia, alas! belongs to the poets, and Iceland would not have enjoyed this golden age, but for its poverty and its iron climate.

It is not possible to imagine a country more extraordinary than this island for natural reasons; but the old accounts of it made it extraordinary in a different way. For it seems that though Nicholas de Lyn, the friar of Oxford, whose discovery of the north pole

pole is laid down by Gerard Mercator, and attested by no less a man than Master John Dee, touched at Iceland, it excited much less of his attention than the *Nigra Rupes*, the huge black rock of many miles in circuit, which was the point of his discovery; and though he furnished King Edward III. with his *Inventio Fortunata, qui liber incipit a gradu 54 usque ad polum*, the people of England and of Germany were still ignorant of the real state of Iceland, and the Icelanders were in bad repute for a very singular reason. Hecla was supposed to be the mouth of hell; a fact which could not be doubted after the report of certain credible mariners, who in the mid sea between Germany and that island, when they were going right before the breeze with all sails set, met the soul of the Bishop of Bremen in a ship sailing against wind and weather as swiftly as themselves, bound for the burning mountain. Hecla therefore was concluded to be the shortest way to Pandæmonium, and it could hardly be expected that people would live so near the devil without having dealings with him. This was the opinion of all the early cosmographers, and even so late a writer as Peter Heylyn, though he says that to judicious men the natural reason of these flames is plain and obvious, assures us, nevertheless, that 'few of the people but have some familiar spirit to do them service; and notwithstanding the endeavours of the ministers to purge them from their impiety, yet it is so grafted in them, that they cannot leave it.'

Peter Heylyn ought to have known better, because Hakluyt had published Arngrim Jonas's account of the country threescore years before this senseless calumny was repeated. Arngrim Jonas's treatise owed its birth to a feeling of patriotic indignation at the misrepresentations which were at that time current in Europe. The particular cause of provocation was a description, or rather a lampoon in verse, which made the good Bishop of Olen exceedingly angry. 'There came to light,' says he, 'at Hamburg about the year of Christ 1561, a very deformed imp, begotten by a certain pedlar of Germany; namely, a book of German rhymes, of all that ever were read the most filthy and slanderous against the nation of Iceland. Neither did it suffice the base printer once to send abroad that base brat, but he must publish it also three or four times over, that he might hereby, what lay in him, more deeply disgrace our innocent nation:—so great was the malice of this printer, and his desire so greedy to get lucre by a thing unlawful. His name is Jonachim Lion, a man worthy to become lion's food.' Bishop Thorlak, when he made this bitter jest, must have been in a disposition to pass rigorous laws against libelling; but as it was impossible to make a second Daniel of the printer, first, because he was not in Iceland, and secondly, because if he had been there, there was no lion's den belonging to the episcopal court, the bishop had recourse



course to a much better mode of proceeding; that of employing Arngrim Jonas to write a true account of the country, in confutation of this false one.

Bishop Thorlak was as zealous for the welfare, as for the honour of his country, and his memory is deservedly revered. He first established a printing office there, and by his means the Bible was published in the Icelandic tongue,—for the Reformation, after a short struggle, had obtained a complete victory in Iceland. The press, had it existed in earlier ages, might have saved some of the old Icelandic heroes considerable trouble in recording their achievements. Olof of Hiardarbult carved the history of his adventures upon the rafters of his house; and Thorkil Hake did the same thing upon his chair and his bedstead. But the golden days of the Icelanders were over before they received these blessings. 'Their houses,' says Jonas, 'were built from ancient time stately and sumptuously enough, according to the condition of the country, with timber, stones, and turf, until such time as traffic and exchange of wares began to cease between them and the Norwegians, who were wont to supply them with timber, and for that cause now our houses begin to decay; when neither we have woods convenient for building, nor yet there are now a-days, as there were in old times, trees cast upon our shores by the benefit of the sea, which may in any sort relieve us; whereupon many of our country villages are much decayed from their ancient integrity—some whereof be fallen to the ground, and others be very ruinous.' The Norwegians were themselves a declining people, for the same cause as the Icelanders, because they had ceased to be independent, and because they had not yet recovered the havoc made by the black pestilence, and felt the effects of the increased rigour of the climate. The failure of the drift wood which is thus mentioned is curious, because Horrebow 150 years afterwards says, that great quantities of fine large timber every year came floating ashore, and that the people not having means of transporting it to their countrymen in other parts of the island who are in want of fuel, nor able to consume the whole themselves, let it lie in heaps and rot. Mr. Hooker also tells us, that much timber is cast upon the northern and eastern coasts. The inference therefore seems to be, that when Jonas wrote, some chance accumulation of ice had diverted the current which set in for these shores. The Greenlanders are supplied in the same manner, and owe to this provision their sole means of subsistence; their houses, their boats, even their arrows are made of the wood which the sea wafts to them; and if their necessities were not thus provided for, the country would be uninhabitable. This drift wood consists chiefly of fir: aspens, willow, alder and birch are also found, and larch and cedar; whence it comes seems not yet to have been ascertained.

certained. Iceland itself at one time abounded with forests. The first settlers are said to have cut their way through the thickets; this however may possibly mean nothing more than the brush-wood which still exists there; but the bog-wood, and the roots of trees which are sometimes found, prove beyond all doubt that there was a time when the climate of Iceland was not too severe for the growth of forest trees. Von Troil supposes that the *surturbrand* has been formed by lava, which sweeping away whole woods, charred them by burning and smothering them at the same time: but he forgets that trees, if swept away by the lava, would have floated upon it like straws upon a stream; and by Horrebrow's account it is found in layers between the rocks. Sir G. Mackenzie did not visit that part of the country where this remarkable substance is procured.

Jonas complains of the want of foreign trade: in those days Iceland had little to offer to the merchant. There was its *eyder-down*, which is still one of its main commodities; its ling, which in the 17th century was accounted in England 'a fit dish for a nobleman's table;' and its falcons, which were worthy to take flight from a prince's hand. They are remarkable for a greater variety of plumage than is found on any other of the tribe. The white falcon is the rarest variety: all that are taken of this colour are still reserved for the King of Denmark, who, according to Mr. Hooker, 'sets so high a value upon them, and so little upon the lives of his oppressed subjects, that a law has been enacted, declaring it death to any one who shall destroy one of these birds.' The sentence should not have begun in the present tense, for the law is in the spirit of our old forest laws, and cannot be of much later date. Old writers relate an odd custom of the hawks of Norway: the last bird which they caught on a winter's day, they took home alive, that he might keep their feet warm at night; and in the morning when they let him go, they noticed which way he fled, and went out themselves to prey in a different direction, being unwilling to do their bed-fellow any injury, because of the comfort which they had derived from him.\* If the Iceland falcon had the same custom, he would certainly chuse an *eyder-duck* for his foot-warmer. The dogs of this island also were in fashion among us for a full century. Massinger mentions them—

'Would I might lie

Like a dog under her table, and serve for a footstool,

So I might have my belly full of that

Her Iceland cur refuses.

Peter Heylyn calls them the delight of ladies;—but they were not

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\* Lupton tells the same story of the English merlin. *Siugila*, 1504.

all thus nursed in the lap of luxury; for Sir Roger L'Estrange, speaking of what he calls Jack Pudding Smell-Feasts, says they 'make fooling their business and their livelihood, and live like Iceland shocks, by shewing tricks for bread.'

But shock dogs and falcons were but poor articles to invite the merchant; and it was found better to fetch ling from the banks of Newfoundland than from the stormy seas of the remotest North. Few persons therefore visiting Iceland for business, and none for curiosity, we had no account of it in England from Hakluyt's time, till, about fifty years ago, a translation appeared from the Danish of Horrebow's natural history of the country. This is the book which contains the two remarkable chapters concerning owls and snakes, to which we alluded on a former\* occasion. It is likewise remarkable for a most extraordinary exaggeration; the author makes the country seven hundred and twenty miles long—its actual length is about two hundred and sixty. This, however, though the work is meant as an eulogium upon Iceland, seems to have proceeded more from ignorance than design. For Horrebow did not travel over the island himself, but took the report of others. But though this enormous error stares us in the face in the very front of the book, the book itself must not be estimated by such a sample: it is, indeed, so methodical as to be sometimes dull and sometimes ludicrous, but there is plain matter of fact sufficient to atone for greater faults. The English translation is remarkable for its ridiculous form—we complain, and with good reason, of our travellers in quarto, who make a two guinea commodity of what a century ago would have cost but half-a-crown: the English Horrebow is even more unreasonable; matter which, if the meteorological tables were omitted, would not exceed the limits of an article in this journal, is spread over a folio.

Iceland became an object of interest to naturalists after it was visited in 1772, by Sir Joseph Banks; but the short account of this voyage which was published by Von Troil, served rather to excite curiosity than to gratify it. Sir John Stanley's communications to the Royal Society of Edinburgh, were confined to one of the wonders of the island; and of the minute and ample work of Olafsen and Povelsen, a short abridgment in Phillips's collection of voyages and travels, is all that has appeared in our language. At length however we have a rich harvest of information. Mr. Hooker's journal, notwithstanding the grievous misfortune by which his papers and collections of every kind were destroyed, still forms a most interesting and valuable volume; and though much yet remains for the researches of the geologist, yet a full

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\* No. VIII. p. 340.

and satisfactory knowledge of the physical appearance, and the moral and political state of the island, may be obtained from his travels, and from the more extensive work of Sir George Mackenzie.

Reikiavik, the capital of the island, is but a miserable place, containing about 500 inhabitants. The houses are in two streets or rather rows, which form a right angle; the longest range extending along the beach. One house and only one is built of brick, the rest are made of planks, and appear at a little distance like so many granaries. The merchants' houses are only to be distinguished from the rest, by one or two wooden chimnies, and by a few glass windows. The want of glass in the other houses is supplied by the *chorion* and *amnios* of the sheep, stretched upon a hoop and laid over an opening in the roof, with a wooden shutter to protect it in stormy weather; for smaller windows at the side of the door, bladders are used. These merchants houses, being the best in Iceland, are made in Norway. The warehouses serve for shops, where the merchants retail their foreign commodities, and receive in exchange such articles as the island produces for exportation. The most conspicuous building is the House of Correction; the Cathedral is of considerable size, has large glass windows, a little square wooden tower with two bells, and is roofed with tiles; but it is sadly dilapidated. This is the only stone building in Reikiavik, and yet the main street is so obstructed with rocks, that a cart, if there were such a thing in Iceland, could not proceed half a dozen yards. There are a few miserable huts raised but little above the level of the ground, in the neighbourhood of the town; each of them has two or three machines near it on which the inhabitants hang their fishing dresses to dry.

The dress of the men consists of a woollen shirt, a short waistcoat and jacket of coarse cloth, and still coarser trowsers. Their hats resemble those of our coal heavers. Their cloth they manufacture themselves: for the art of weaving they are indebted to Denmark, and it is almost the only benefit which Denmark has bestowed upon them. Some weaving frames were set up at the King's expence almost threescore years ago, and workmen sent over to instruct the natives in their use. It would have been well if his Danish Majesty had taken measures for instructing them in another part of the process through which cloth passes. 'As hitherto,' says Horrebow, 'they have had no fulling mills, it must be imagined that they have a deal of trouble in fulling and milling their woollen goods, and indeed it is so; for they have no other instrument for this purpose than a barrel with both ends struck out; into this they put the goods which require milling, two persons then place themselves on the ground over against each other, and with their feet go through the operation, in the barrel. Small things

things they full upon a table against their breast, but both ways are very toilsome, and attended with great trouble.' These however are neither the most curious nor the most awkward of their operations. The same author tells us that 'in fulling breeches the people often put them on and rock themselves about, by which means they contract a habit of perpetually rocking and moving their limbs, though they have nothing on them that wants milling.' Our recent travellers have not informed us whether it is still the custom for every man to be his own fulling mill; if it be, we should think that peculiarity of gesture must have been noticed, which would have entitled Horrebow to class the Icelanders of his time among the wagtails. In the Feroe Isles the women perform the work of fulling by treading the cloth in a tub; in this manner a girl can full twenty pair of hose in four or five hours.

The children, as is the case every where in Europe except in England, look like little men and women. The ordinary dress of the women is not unlike one of the most convenient and becoming fashions of our own country. The full dress is showy but not inelegant; the bridal dress is still more showy. The head dress would have shocked Latimer as much as the 'velvet power' from Turkey, which he called a vengeance devil. It is shaped like a large flat horn, rising from a sort of turban and bending forward. What would the good bishop have said to such a fashion as this? he who would have a wife remember St. Paul, whenever she put on her cap, and call to mind her subjection to her husband? Yet though the Iceland wife exalts her horn in this manner, subjection to the more worthy gender is practically acknowledged; and to the great discomfort of our English travellers, the ladies of a family wait at table upon their guests. They have another custom, of which the travellers complain still more feelingly; that of returning thanks by an embrace and a kiss. Mr. Hooker describes a ludicrous scene arising from this custom, in which the man was more fortunate than the master. He obtained leave, in one of his excursions, to have his dinner dressed in the Priest's house, near which he had pitched his tents; his man, Jacob, a very interesting personage, whose untimely end forms a most unwelcome conclusion to his eventful history, was the cook. Jacob was longer than usual about his business, and Mr. Hooker being impatient, made his way through smoke and darkness into what he calls the cooking-room, a kitchen being too dignified an appellation for such a den. Here he discovered Jacob sitting on the ground, with two or three filthy women about him, regarding his operations, and marvelling at his frying-pan, in which he was dressing some sliced fish, on a fire kindled on the bare earth, between his legs. Close by him was a pretty girl, who had won Jacob's attention so much that every now and then he presented

presented her with a slice of the fish, and she, in return for every piece, rose up, took him round the neck and kissed him. Her expression of gratitude was so much to Jacob's taste, that this bait would have drawn all the fish out of the frying-pan, if his master had not arrived in time to remind him that he wished to have a slice or two saved for himself. Mr. Hooker's ill fortune led him, before he left the house, to present a snuff box to the mistress, a little dirty ugly old woman, by no means free from cutaneous disorder. The old lady imagined that he only meant to give her the snuff; but when she was made to understand that the box also was included in the gift, she instantly repaid him with an embrace; from which, he says, he extricated himself with all possible haste, and ran to wash himself in the nearest stream.

The morals of the Icelanders are libelled by that German 'who was worthy to become lion's food';—and by Anderson, whose calumnies upon this head are contradicted by Horrebow, with more mildness than such misrepresentations deserve. The Danes indeed, who like the other northern nations have aped the manners of the French, and are now paying the price of their predilection for that corrupt and treacherous people, have imported their immoralities into Reikiavik, and materially injured those with whom they habitually associate. Sir G. Mackenzie says, that women who lived in open adultery were received into company, and even noticed by the bishop, with as much familiarity as if their characters had been blameless. This contagion is confined to Reikiavik, and even there, he says, considering the loose lives of the Danes, it is astonishing how little progress it has made. They set the natives an example of irreligion as well as licentiousness, for none of them attend the church; but the Icelanders are a religious people, and every where, except in the capital, they preserve the purity of their manners as well as their faith. There is an equality in the country which is favourable to morals. The servants are considered as nearly on a level with the children of the house. In America, these *helpers*, as they call themselves, display their sense of independence by being insolent. An English lady at New York rang the bell for tea; and after some time repeated the summons, that her visitors might not be kept waiting: farther delay provoked a louder call; upon which the angry American waiting-maid put her head in at the door and exclaimed, 'the more you ring, the more I wont come.' In Iceland the equality is natural, and therefore unobtrusive; the servants are generally orphans, or the children of very poor farmers: they partake in the recreations as well as the labour of the family; whilst spinning, knitting and sowing are going on in their long winter darkness, some one reads aloud the old tales and histories which their ancestors produced, not more for the honour than for the



the blessing of Iceland. Scarcely a farm house is without some of these books, which they exchange with each other at church, the only opportunity they have of meeting; and thus the literary wealth of every parish continually circulates. The servants, being thus associated with the family, not unfrequently marry their master's children; this is, indeed, so usual, that a poor farmer sends his son or his daughter to serve in the house of one more affluent, in hopes that such a connection may be formed.

The law of inheritance is favourable to this equality. No entails are allowed; the property of the deceased is divided in equal portions among the sons, the eldest having the privilege of chusing his share. The daughters have each half a son's portion; the widow half the estate. Were the law of primogeniture established, it might promote the improvement of the country by favouring the accumulation of property; but a wise legislator would pause before he ventured, for this consideration, to change a system which has been certainly found favourable to virtue and happiness. The poor laws are remarkable. Every householder is compelled to receive his relations who cannot support themselves, to the fourth degree of kindred. The travellers say nothing of the moral effect of this system, which, perhaps, they had little opportunity or time to observe; but it is an interesting subject of inquiry. The householder who has no kinsmen that require his assistance, must contribute to the support of the poor, either by taking into his family some orphan or aged person, or by paying an annual rate proportioned to his property. This tax falls heavily: a landholder who pays only two or three rix-dollars to the revenue, is not unfrequently called upon for forty, fifty, or even sixty, towards the maintenance of the poor in his district, if he does not chuse to receive any of them into his family. These poor laws are strictly enforced by the *hrepptioré* of every parish.

The other taxes are light, and do not suffice for the civil establishment of the island. The *sysselmen* collect them in kind, and are required to pay the amount in money to the landfoged or treasurer; they therefore dispose of the produce to the merchants, taking the chance of loss or gain, and retaining a third as their salary, a proportion not more than adequate to the trouble and responsibility of their office. The commerce of the island has been exempt from all duties since 1787. This exemption was, perhaps, granted in consequence of the dreadful state to which Iceland was reduced, in 1783, by volcanic eruptions more tremendous than any which had ever been recorded in its annals. The trade had long been declining. From the beginning of the last century, till the year 1776, it was in the hands of a chartered company, by whose monopoly the Icelanders were greatly oppressed. It was then nominally



vested in the king, and carried on with a fund of four millions of dollars, which the government provided. At the end of ten years the stock of every kind was sold, and it was found that the capital had diminished more than an eighth part. The remainder was then vested in commissioners, who were empowered to lend money at four per cent. to those who would embark in the trade of Iceland, which was freed from imposts for twenty years. At the end of that time, the exemption was prolonged for five years; but the state of its trade will come more properly under consideration in treating of the existing circumstances of the country.

Fish and oil are the chief articles of export: besides these, however, the Icelanders export wool, coarse woollen goods, skins and feathers. The eider down is one of their most valuable commodities; it sells for twelve shillings a pound, and, in consequence of the benefit which is thus derived from the eider ducks, a severe penalty is inflicted upon any person who kills one. Both Mr. Hooker and Sir G. Mackenzie saw these birds upon the little island of Vedoe, one of the most fertile spots appertaining to Iceland, and the residence of the former Stifstamtman Stephenson, who, as a special mark of distinction, still retains that title. On the other uninhabited islets they form their rude nests among the old and half decayed sea weeds which the storms have cast high on the beach; but here, where their down and eggs afford the stifstamtman a considerable revenue, the birds seemed to be sensible of the protection under which they lived, and built their nests on the garden-wall, on the roofs, in the houses, and even in the chapel. Every little hollow between the rocks was occupied by them, and even the ground between the landing-place and the governor's house so strewn with their nests, that it required some caution to avoid treading on them. The old gentleman had also fitted the smooth sloping side of a hill for their accommodation, by cutting two rows of holes, in every one of which there was a nest. The sound which the eider birds utter, is described as very like the cooing of doves. They line the nest with down from their own breasts, and there is a sufficient quantity laid round it to cover the eggs when they go to feed, which is generally at low water. The nest is stript of its lining twice, and sometimes a third time; when the duck has exhausted her own down, the drake supplies what is wanting. If the down be taken from the dead bird, it has no longer that elasticity which renders it so valuable. During the brooding season all cats and dogs are banished from this little island. One year a fox got over upon the ice, to the great alarm both of the ducks and the governor: another fox was brought over, and fastened by a string near the invader's haunts, and Reynard, in spite of his cunning, fell into the snare; he had a great taste for eider duck, but none for solitude, and, venturing

venturing toward this companion, came within reach of the hunter's gun.

The Icelanders take their toll of the contents of the nest, as well as of its lining, and, for their own eating, they prefer those eggs in which the bird is formed. Sir G. Mackenzie says, that as soon as the young birds leave the shell, the duck takes them on her back, swims out to a considerable distance, then dives, and leaves them to exert their power of swimming: as soon as they have learnt the use of their feet in this way, she returns and becomes their guide. This is curious, because the common duck requires no other teaching than that of instinct. It is well known how anxiously a hen who has reared a brood of ducklings, follows them to the water edge, and endeavours, in vain, to withhold them from venturing where she cannot follow. The old birds, whom the spell of duty no longer fixes to their nests, take once more to the seas, and, in a few weeks, the whole race depart, going where no navigator has yet followed them: when the brooding season returns, their unerring guide brings them again to their safe nursery. Horrebow says that they very rarely build on the main land, though, in some places, they have been enticed to venture there, when the people send away their cattle and dogs, and take especial care to keep them from being disturbed. He says, also, that the inhabitants make little islands on purpose to invite them.

If the Icelanders were heathens, the sea would be the natural object of their worship, for the benefits which they derive from it. Fuller, in a strain of fanciful analogies, remarks in how many things the sea resembles the land; but he has not noticed that provident dispensation by which the sea is made most prolific in those regions where the shores are most destitute. 'Tell me,' says this quaint but delightful writer, 'tell me, ye naturalists, who sounded the first march and retreat to the tide "hither shalt thou come and no further?" When the winds are not only wild in a storm, but even stark mad in a hurricane, who is it that restores them again to their wits and brings them asleep in a calm? Who made the mighty whales, who swim in a sea of water, and have a sea of oil swimming in them?' We will add the rest of the passage for the sake of its piety and feeling, as well as its singularity. 'Was not God the first shipwright, and all vessels on the water descended from the loins, or rather the ribs, of Noah's ark; or else who durst be so bold, with a few crooked boards nailed together, a stick standing upright, and a rag tied to it, to adventure into the ocean? How first fell the loadstone in love with the north, rather affecting that cold climate than the pleasant east, or fruitful south or west? Or how came that stone to know more than men, and find the way to the land in a mist? In most of these things men take sanctuary at

*occulta qualitas*, and complain that the room is dark when their eyes are blind. Indeed they are God's wonders; and that sea-man, the greatest wonder of them all for his blockishness, who, seeing them daily, neither takes notice of them, admires at them, nor is thankful for them.'

In the eider birds the Icelanders have what Fuller would have called their sea poultry: they have their sea flocks in the seals. The walrus is not one of their visitors. Horrebow has one of his chapters 'concerning sea bulls and sea cows,' which says, 'it is commonly reported that the noise and bellowing of these animals make the cows ashore run mad; but none here ever saw any of these supposed animals, or noticed the bad effects of their bellowing.' The seal is easily tamed, and, according to Olafsen and Povilsen, sometimes domesticated in Iceland, though the people have a strange aversion to its flesh, which, in old times, was considered as a princely dish. There is an objection to taming this animal which could never have been foreseen. One, which had been made so familiar by the Zetlanders, that it would lie among the dogs before the fire, bathe in the sea, and return home, was discovered sucking the cows, an offence for which it was banished to its native element. The eagle is often seen carrying off its young to her nest. The seal, however, has a useful friend in the great sea-gull. The sportsmen, who are usually well acquainted with the haunts of this poor animal, raise up little bulwarks to conceal their approach, or wait for them behind a rock; the gull, however, understands these approaches, and frequently baffles all the precautions of the hunter by flying over his head, and screaming close to the seal: if the latter does not take the alarm, the bird strikes him on the head, and, as soon as he slips into the water, seems perfectly conscious that he is no longer in danger. The Icelanders derive food for their cattle, as well as themselves, from the sea; there is a sea-weed of which the cows are very fond when the inhabitants will spare it; it is the *fucus palmatus* of Linnaeus. Horrebow says the cattle are very fond of it, and that the sheep seek it with such avidity as often to be lost by going too far from the land at low water. In Zetland, Dr. Edmondson says, it is curious to observe with what precision they leave the hills and betake themselves to the sea side at the moment the ebb commences. Mr. Hooker has seen women and children on the coast of Caithness gathering this weed from the rocks and greedily devouring it for their meal in its crude state. The Icelanders generally prepare it by washing it well in fresh water, and exposing it to dry, when it gives out a white powdery substance, which is sweet and palatable, and covers the whole plant; they then pack it in casks to keep it from the air, and thus preserve it ready to be eaten either in this state, with fish and butter, or, according

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to the practice of wealthier tables, boiled in milk, and mixed with a little flour of rye. In the interior it bears half the price of dry fish, and can, therefore, only be given to the cows in time of need. According to Horrebow, in the most populous part of the country, for want of pasture the people, after eating the fish themselves, boil down the bones for the kine, and give them also the water in which it has been dressed.\* Fish bones are also used as fuel; besides this, they use dried cow-dung, and turf. In the Westmann Island the wretched inhabitants burn dried sea birds. Whales' flesh and sharks' flesh are the dainties which serve an Icelander for his dessert.

Sometimes an enemy comes from the sea. Every year a few polar bears are brought upon the drift ice, and coming half starved with the voyage, soon make their arrival known by the depredations which they commit. But the *posse comitatus* is immediately raised, and Bruin has never yet been able to form a settlement in the country. The Icelanders have none of that affection for the bear which the other northern nations had in old times. The Russians and Livonians used to teach these animals to dance, not only for the rare pleasure which they took in dancing with them, but for purposes of refined policy. Resident ambassadors were unknown in that age; and in order to obtain information of the state of other countries, envoys of ability, and sometimes of high birth, (*fili magnorum nobilium et magnatum*,) were sent in the bear's suit, and they brought home that intelligence which there was no other safe method of acquiring: and this was the origin of Russian diplomacy. The bear-leaders of modern times have seldom been so useful. It was, however, found necessary in Germany to make severe laws against these Slavonic diplomatists; for it was discovered, that they used sometimes to rob and murder travellers, and divide the spoil with the bear, giving him the body and taking the booty to themselves. These people taught the bear to perform many useful offices; they used him instead of a watch-dog; they made him raise water by turning a wheel; and carry sacks to the mill and logs to the fire; and they taught them to draw in a cart—*quia magna fortitudo eis inest in brachiis, ungulis et lumbis*. But the oddest thing related of them is, that they used to take bears to sea, who were taught to jump overboard and catch seals, and who amused the sailors by aloft. Olaus Magnus tells of a ship which was saved from pirates

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\* Von Troll mentions another preparation which is used when fodder is scarce; the heads and bones of cod are pounded, with a fish called *stecubitr*, and a fourth part of chopped hay; the cows like it, and yield milk plentifully after this food; but the milk, as may be supposed, is ill tasted.

by the four-footed part of her crew. A great number of them happened to be aloft as the freebooter drew near, who seeing the yards so well manned, thought it prudent to sheer off. When Father Avril travelled through Livonia, he was shewn *en passant*, l'académie où l'on a soin de dresser les ours avant que de les promener par les villes d'Europe. C'est un bourg appelé Samourgau où on leur apprend le manège qu'on leur voit faire ensuite avec tant d'adresse et c'esemble avec tant de raison. The Icelanders, far from establishing an academy for the purpose of qualifying bears for the grand tour, are fond of destroying them. An old man near Lange-ness was famous for having killed more than twenty with a spear.

The ice brings with it worse evils than an invasion of these animals, because no human means can remove or lessen them. As long as the ice continues floating the weather is fickle and stormy, and the tides are irregular; but as soon as the islands become fixed in the gulphs and inlets, the weather grows calm, settled, foggy, moist, and exceedingly cold, withering the vegetation, and destroying the cattle. Even a Shetland harvest has been blasted by the approach of an ice island. These things remind us of Darwin's speculations, and the dreams of what might be effected if mankind were employed in attempts to diminish the physical evils of the world. The Icelanders have some strange notions concerning floating ice; they affirm that it takes fire. Olafsen and Povilsen admit that flames are seen upon it, which they say arise from the collision of two fragments meeting with such violence that the drift timber which they carry with them takes fire at the friction: the natives, however, insist that the ice itself consists principally of salt petre, and that it might be used in making gunpowder.

The poet talks of winter lingering in the lap of spring: in these regions even summer is not safe; a huge floating island deranges the season as well as the tide, and carries with it a winter of its own. Horrebow mentions a royal garden full of all sorts of culinary vegetables; he speaks of turnips weighing two pounds and a half, of gooseberry bushes producing ripe fruit; and expresses his confidence that various trees, if properly managed, would bring their fruit to maturity, and that even corn might be cultivated with success. But the tallest birch trees which Sir George Mackenzie saw in his travels were not more than ten feet high. Governor Thodal planted firs; their tops seemed to wither when they were about two feet high, and they ceased to grow,—poor encouragement for him who would plant fruit trees! Mr. Hooker was in many gardens where the cabbage was so small that a half-crown piece would have covered it; and he tells us that turnips, carrots, and even potatoes never arrive at perfection. Horrebow is not a writer to be suspected of falsehood, nor even of conscious exaggeration.

exaggeration. There is good reason for supposing that even our own climate has undergone some change since his time. Iceland will probably become colder, unless some earthquake should break up the belt of ice which forms a rampart round East Greenland. The Icelander who would raise fruits must take a hint from the monastery of St. Thomas. The hot springs with which this country abounds are used as baths; a lover cleanses one of the *laugar*, as they are called, for his mistress, who visits it after she becomes a bride; this was the mode of gallantry when Von Troil wrote. Some of these springs have natural basons near them in which the water becomes of a proper heat; others are so situated that it is easy to temper them: and Horrebow has seen people sit whole days beside them bending hoops for barrels. He says, it is universally known that the cows which drink at a tepid stream, yield a much greater quantity of milk than others; he says also that there is generally a very fine growth of grass in the neighbourhood of these springs. Olafsen and Povlsen say that in the valley of Reikholtz the ground never freezes; and they mention traditions of a deep and beautiful vale among the glaciers, with woods and meadows, and flocks and herds, and happy inhabitants, who live in the enjoyment of a perpetual summer, conferred upon them not by the heavens but by the bounty of the earth and its internal heat.

It is only in hot-houses that the Icelanders can hope to raise the fruit of an English garden; but the hot springs in those parts of the country where they abound, afford the means of doing this with little other expense than that of the shed. Among the plants which have found their way into the country, it is curious to find a spice; a small quantity of caraway seed was brought from Copenhagen, and the plant has spread itself. The angelica was introduced about a century ago by a priest named Haldarson; he planted it in an island of the lake Hittarvatn, and this gave rise to an interesting occurrence in natural history. The gulls and wild ducks soon discovered that the little shrubby branches of the plant protected their nests from wind and rain; they happened to discover it at the same time, and though in other places the gulls do not like to have the ducks build near them, a league not merely of peace but of amity was concluded between them, and the gulls defended their neighbours as well as themselves against the ravens and all other depredators. Mr. Moor, in his Hindoo Pantheon, asks why the raven which has so few natural enemies, (none indeed with which we are acquainted,) and is so long lived, should yet be so rare, that neither in England nor India, will two pair be found on an average in the extent of a thousand acres? He accounts for this by supposing that the raven destroys its young: it is remarkable that the Icelanders should confirm his theory and contradict his fact.

They say that when the young ravens fall from their nest, and are unable to recover it, the parents devour them; nevertheless this bird is the commonest in Iceland, though the inhabitants destroy as many as they can. They have a high opinion of him as a sooth-sayer; but his supernatural gifts are not sufficient to atone for the ravages which he commits. Nothing escapes these rapacious plunderers; they watch the wild duck to her nest and drive her from her eggs, they pounce upon fish, attack the ewe as well as the lamb, and fixing upon the galled horses, devour them alive. In autumn numbers of them will meet in the fields without molesting each other; but upon the approach of winter they are said to form themselves into troops of six, eight, or ten, each taking a particular district as their peculiar royalty, and if one of another troop is bold enough to trespass upon it, they attack the offender, and put him to death, if he be not swift enough of wing to escape.

The Icelanders are not, like their poor neighbours and fellow subjects the Feroese, plundered by crows as well as ravens; for 'concerning crows,' as Horrebow would have said if he had happened to think of them, 'there are no crows in Iceland.' Neither are they much annoyed by mice: there is a white field mouse who is said by 'persons of credit' and eye witnesses to be an excellent fresh water sailor. These mice, they tell us, take long journeys to collect grain for their winter provender: in the course of their travels it sometimes happens that they have a river to cross—necessity has made them boatmen; a piece of dry cowdung serves for a raft, which they load with their spoil; the number of hands, in sea-phrases, or rather of feet in this instance, attached to each raft varies from four to ten, who launch the vessel and swim on each side of it, steering with their tails.\* The Lapland squirrels we are told perform longer voyages in better boats; they drag pieces of bark to the water side, embark on it, hoist their tails for top gallants and push off in such fleets, that a storm will wreck three or four thousand sail of them. Leems vouches for the fact of their voyages; the extent of the practice must rest upon the authority of M. Regnard.

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\* The 'persons of credit' who relate this manœuvre should have recollected that the story is imperfect; for if the mice have more booty than they can carry in their mouths, (the only pouch with which nature has furnished them), land-carriage as well as water-carriage would be necessary for it; and although in the Orkneys these creatures make 'roads or tracks' of about three inches in breadth, and sometimes miles in length, much worn by continual treading, and warped into a thousand different directions; it does not appear that either cart, wheelbarrow, or sledge has been seen upon these highways, much less are such convenience to be looked for among the mice of Iceland, where the people themselves have not made carriage roads for their own accommodation.



Foxes are very numerous and very troublesome. The inhabitants use all imaginable means for destroying these enemies. They smoke them in their dens, and, if this fails, besiege them there; they shoot them, poison them, catch them with hooks and lines, and lay traps for them, from which, when caught by the leg, the animal has been known to escape by gnawing off the limb: this instance of desperate resolution is frequently exercised by the rat, a creature which, if it were less mischievous, would be admired for its almost matchless courage and ingenuity. If half the tales which the Icelanders tell of their foxes are true, it would seem that the breed has not degenerated since Esop's days, nor disgraced the reputation which Reynard obtained for the whole race. But without repeating the fireside tales of a nation of story-tellers, certain it is that the foxes fish, fowl, climb rocks to rob the birds nests, and embark upon pieces of floating ice to get from the main land to the islands. The people have a tradition that one of the Kings of Norway in old times sent over some foxes to Iceland, to plague the inhabitants, as a punishment for their disaffection to the mother country; an opinion, which Mr. Hooker observes has probably no better foundation than another of their tales, that the magpies which now infest them in such numbers were originally imported by the English in pure mischief.

A thousand writers have observed with what wonderful powers of pliability man accommodates himself to all circumstances of society and situation; but it has seldom been remarked in how great a degree animals possess the same power. When the sheep in Africa perceive a wild beast near them, they form themselves in a circle with their heads outward, the rams advance in the front, ready for defence, and their strength and resolution are such, that they are said to intimidate the tiger, and sometimes even to beat him off if he ventures to make an attack. In Iceland and in the Scotch isles, during a heavy fall of snow, if they can find no shelter, they place themselves in a circle with their heads inclining toward the center. Thus, if they are covered with snow, their breath forms an arch above them. In this situation they have been known to remain for many days. Every Iceland flock has one sheep trained as a leader, and in winter, and bad weather, his services are found exceedingly useful; for, however dark or stormy the night, he guides his company to the fold. Whole flocks, it is said, would often be lost, but for the sagacity of these guides: a trained sheep of course bears a much higher price than any other, and is always preserved till it becomes completely superannuated. They pull their sheep instead of shearing them; this custom also prevails in the Zetlands, where it is called *rooing*: the Zetlanders say that the wool continues much finer when removed in this manner than  
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by the sheers, which is by no means improbable. It might be expected that the animal would be liable to take cold by being thus literally stript naked; no mention, however, is made of any such consequence arising from the practice. The worst evil to which the sheep are exposed in this mournful country, seems to be the violent winds, which sometimes drive them into the sea. Horrebow says he has seen even in summer a flock carried away by a storm sixty or seventy English miles,—sheep in full sail before the wind with a vengeance!

In severe weather a little hay is given to the sheep, but this is a luxury which can seldom be afforded. Hay is by far the most important article to an Iceland farmer. The ground immediately round the house is laid out for it, and a field has the appearance of a churchyard, the soil being usually thrown up in little hillocks like so many graves; for 'the people,' says Sir G. Mackenzie, 'believe that a greater quantity of grass can grow upon an extended surface of this sort, and this erroneous notion is entertained even by the higher classes. That a greater surface is procured, is true; but as every plant grows perpendicularly, or as nearly so as circumstances will admit, a greater produce cannot be obtained.' The error is in Sir George, not in the Icelanders. It is very certain that the extent of sky above a mountain can be no greater than the area of its base; but it is equally certain that its base does not contain so many acres as its surface, and it is upon the surface that trees and grass grow. The sophism is an old one; it is not the only one into which those persons have fallen who rely too much upon what is called the pure reason: but a better exemplification could never be found of that misapplied science which digs deep for error, when truth lies upon the surface. Sir George objects to the Iceland practice upon another ground, 'the speedy evaporation of moisture, occasioned by the smallness of the hillocks, and the air circulating between them, must render,' he says, 'the grass that does grow, less luxuriant than it would be otherwise.' We should have thought there could be no want of moisture in such a climate, and that the chief objection to the practice would be the difficulty in the way of mowing; but the Icelanders rather shaves than mows these little knolls with a short narrow scythe, with which he is said to work expeditiously as well as neatly. The grass, such as it is, is neither close nor long, and is full of weeds. It is possible that it might be improved by means exactly the reverse of those by which they attempt to increase the produce, by sinking instead of raising the surface; for, in the Zetlands, Dr. Edmonson says, when the turf, or *feal* as it is called, which is pared off before the peat is cut, is carefully laid down in the bottom of the ditch with its green side uppermost, it is observed to

yield

yield uniformly a better kind of grass than it did before its removal: 'the people,' he adds, 'although well aware of this fact seldom pay any attention to it; and not only cut the moss in every direction, but huddle the seals together in heaps, and thus prevent the regular regeneration of turf, and the improvement of the pasture.' That improvement is probably owing to the shelter which is thus obtained. Draining would improve not only the soil but the climate, so great is the extent of bogs and swamps. Sir G. Mackenzie mentions certain tracts of country where draining might be practised with as much facility as advantage; but, he says, there seems to be some prejudices against it, which a little intercourse with Britain would probably remove. A brisker commerce would, no doubt, supply that want of motive and want of capital, which in the present distressed state of the island sufficiently account for its rude and unimproved agriculture.

Goats have been banished from the southern part of Iceland, because they were continually injuring the roofs of the houses by climbing them in search of food; some, however, are still kept in the north. It has been observed, as a curious instance of the extension of commerce, that a man may now sail round the world, and eat pork and spend Spanish dollars wherever the ship touches. The poor Icelanders live so hardy themselves that they have nothing to spare for the pigs; and this animal, who robs the dunghills in England, is found too expensive to be kept. For such a country the rein deer is obviously as well adapted as the camel for the desert. Thirteen were exported from Norway in 1773, only three of which reached Iceland; they were sent into the mountains of the Guldbringè Syssel, and have multiplied so greatly that it is not uncommon to meet with herds, consisting of from forty to an hundred, in the mountainous districts. The Danes sometimes go out in pursuit of them; but the Icelanders, instead of profiting by these invaluable animals, the most important boon which could possibly have been bestowed upon them, complain that they eat their lichen. The rein deer in Lapland is almost as much a loser by his connection with man as the dog in Kamtschatka: he gives up his liberty and is not provided for in return; though the Laplander might easily lay in a winter stock of the lichen, and of the great water horse-tail, on which, in a dry state, Linnæus says, it will feed with avidity, though not upon common hay. Iceland will be this creature's paradise. There is in the interior a tract which Sir G. Mackenzie computes at not less than 40,000 square miles, without a single human habitation, and almost entirely unknown to the natives themselves. There are no wolves in the island; the Icelanders will keep out the bears; and the rein deer, being almost unmolested

unmolested by man, will have no enemy whatever, unless it has brought with it its own tormenting gad fly.

Those persons who, in passing from one side of the island to the other, cross any part of this desolate tract, usually travel day and night without stopping. Horrebow speaks of the goodness of the roads, affirming, that he has known those who, in a summer's day, from the rising of the sun to the setting, have rid 120 English miles—a length of mountain road which it would not be very practicable to traverse even in the longest arctic day. Of the perils of travelling, he gives a strange account. Paths, he says, are sometimes found leading to a frozen pond or lake, which was not there on the preceding day; the traveller, after going round, finds the path again immediately opposite the spot where he was obliged to turn aside; in a few days the ice and water are free, and the interrupted path appears. Bold men have sometimes ventured to cross the ice rather than take a wide circuit; horses have, in these cases, fallen in and been lost, and, after some days, been found lying on the surface; the ice having in the mean time melted and the water frozen again. Some truth may be contained in this account; but the danger which Horrebow mentions was not encountered by our late travellers, and it is almost the only danger which they did not encounter in a country more resembling Milton's hell, in its combination of fire and frost, than any part of the habitable globe.

One of the first things which Sir George Mackenzie and his companions discovered upon their travels was, the remains of a woman who had been lost about a year, and had fallen, as was supposed, down a precipice in some snow-storm. Her clothes and bones were lying scattered about where the eagles and foxes had strewed them. If some of our travellers did not in like manner leave their bones for the birds and the beasts, it was more owing to their good fortune than their prudence, as the reader will perceive in perusing Mr. Bright's account of the ascent of Snæfell Jokul. No guide could be found who had ever gone above the line of perpetual snow, beyond which the sheep never wander.

After walking at a steady pace for two hours, in which time we had gone about six miles, we came to the first snow, and prepared ourselves for the more arduous part of our enterprize. The road being now alike new to all, we were as competent as our guides to the direction of our further course. The summits of all the surrounding mountains were covered with mist; but the Jokul was perfectly clear; and as the sun did not shine so bright as to dazzle our eyes with the reflection from the snow, we entertained good hopes of accomplishing our purpose. During the first hour the ascent was not very difficult, and the snow sufficiently soft to yield to the pressure of our feet. After that

time

time the acclivity was steeper, the snow became harder, and deep fissures appeared in it, which we were obliged to cross, or to avoid by going a considerable way round. These fissures presented a very beautiful spectacle: they were at least thirty or forty feet in depth, and though not in general above two or three feet wide, they admitted light enough to display the brilliancy of their white and rugged sides. As we ascended, the inferior mountains gradually diminished to the sight, and we beheld a complete zone of clouds encircling us, while the Jokul still remained clear and distinct. From time to time the clouds, partially separating, formed most picturesque arches, through which we descried the distant sea, and still farther off, the mountains on the opposite side of the Breidd-Fjorð, stretching northwards towards the most remote extremity of the island.

In the progress of our ascent, we were obliged frequently to allow ourselves a temporary respite, by sitting down for a few minutes on the snow. About three o'clock, we arrived at a chasm, which threatened to put a complete stop to our progress. It was at least forty feet in depth, and nearly six feet wide; and the opposite side presented a face like a wall, being elevated several feet above the level of the surface on which we stood; besides which, from the falling in of the snow in the interior of the chasm, all the part on which we were standing was undermined, so that we were afraid to approach too near the brink lest it should give way. Determined, however, not to renounce the hope of passing this barrier, we followed its course till we found a place that encouraged the attempt. The opposite bank was here not above four feet high, and a mass of snow formed a bridge, a very insecure one indeed, across the chasm. Standing upon the brink, we cut with our poles three or four steps in the bank on the other side, and then, stepping as lightly as possible over the bridge, we passed one by one to the steps, which we ascended by the help of our poles. The snow on the opposite side became immediately so excessively steep, that it required our utmost efforts to prevent our sliding back to the edge of the precipice, in which case we should inevitably have been plunged into the chasm. This dangerous part of our ascent did not continue long; and we soon found ourselves on a tolerably level bank of snow, with a precipice on our right about 60 feet perpendicular, presenting an appearance as if the snow on the side of the mountain had slipped away, leaving behind it the part on which we stood. We were now on the summit of one of the three peaks of the mountain; that which is situated farthest to the east. We beheld immediately before us a fissure greatly more formidable in width and depth than any we had passed, and which, indeed, offered an insuperable obstacle to our further progress. The highest peak of the Jokul was still a hundred feet above us; and after looking at it some time with the mortification of disappointment, and making some fruitless attempts to reach, at least, a bare exposed rock which stood in the middle of the fissure, we were obliged to give up all hope of advancing further.

The clouds now began rapidly to accumulate, and were visibly rolling up the side of the mountain; we were therefore anxious to quit

our

our present situation as speedily as possible, that we might repass the chasm before we were involved in mist. Our first object, however, was to examine the state of the magnetic needle, which Olafson in his travels asserts to be put into great agitation at the summit of this mountain, and no longer to retain its polarity. What may be the case a hundred feet higher, we cannot affirm; but at the point we reached, the needle was quite stationary, and, as far as we could judge, perfectly true. We then noted an observation of the thermometer, which we were surprised to find scarcely so low as the freezing point; and after an application to the brandy bottle, began with great care to retrace the footsteps of our ascent. We found re-crossing the chasm a work of no small danger; for whenever we stuck our poles into the snow bridge, they went directly through. The first person, therefore, who crossed, thrust his pole deep into the lower part of the wall, thus affording a point of support for the feet of those who followed; Mr. Holland, however, who was the second in passing over, had, notwithstanding, a narrow escape, for his foot actually broke through the bridge of snow, and it was with difficulty he rescued himself from falling into the chasm beneath. We were scarcely all safe on the lower side of the chasm, when the mist surrounding us, made it extremely difficult to keep the track by which we had ascended the mountain.—pp. 178 to 181.

Even without these risks, travelling in Iceland is attended with sufficient danger. Sometimes the way lies over a mass of lava broken into innumerable pieces, in the act of cooling, and full of chasms, from which the force of the air beneath has exploded fragments of all forms and sizes. In one place Mr. Hooker was half an hour in proceeding two or three hundred yards among this rugged lava; where a false step would have precipitated him to certain death. In this place, which is near Thingvalla, numbers of lives have been lost; but when our countryman was lamenting this, the good priest, who was in his company, checked him, by saying it was God's will that it should be so. 'I know not,' he says, 'whether it arises from a peculiar resignation to the will and providence of God, produced by real piety, or whether it is ascribable to the effect of climate and to the poverty and distress which attend upon the whole life of the Icelanders, that they seem to feel less for the calamities of themselves or of whatever surrounds them than is the case with the natives of other countries.' Gloomy and cheerless countries will always give a correspondent tinge to the character of the inhabitants; but in Iceland there is something more than cheerlessness and gloom: the most portentous and terrific operations of nature have given to this forlorn region horrors peculiar to itself. 'We travelled,' says Mr. Hooker, 'continually among the great masses of rock that lie strewed in the wildest possible disorder about the chasms which they once served to fill up; and frequently as we went on, were deceived by the imaginary sight of houses in  
this

this solitude, which, on a nearer approach, proved to be only huge rocks torn from their situation by the shock of an earthquake, or some terrible convulsion of nature.

Dreadful, however, as this scenery is, it forms, as it were, only the entrance to the more terrific regions to which the travellers were bound. From a deep hollow of the sulphur mountain they saw a profusion of vapour arise, and heard a confused noise of boiling and splashing, mingled with the roaring of steam, as it forced its way through narrow crevices in the rock. The whole side of the mountain, as far as they could see, was covered with sulphur and clay of a white or yellowish colour. In many places the sulphur was so hot that they could scarcely handle it; and wherever it was removed, steam instantly arose. Over this Stygian crust they ventured, in imminent danger of sinking into the scalding mass. Jets of steam, and fountains of boiling mud, are found in this dreadful district. We may believe Sir G. Mackenzie when he says that the sensations of a man even of firm nerves, standing upon treacherous ground over an abyss, where fire and brimstone are in incessant action, enveloped in thick vapours, and his ears stunned with thundering noise,—can only be well conceived by those who have experienced them. Mr. Bright was at one time in great danger, and suffered considerable pain from one of his legs sinking into the hot clay. Mr. Hooker, in one of his excursions, was in still greater peril; in endeavouring to avoid the suffocating exhalations from a sulphur spring, near which he was gathering some specimens of the mineral productions of the place, he sunk up to his knees in a semiliquid mass of hot sulphur; but instantly throwing himself at full length upon the ground, he reached a more solid spot with his hands, and was able to drag himself from this scalding bog.

Iceland abounds also with bogs of the common kind; less terrific indeed, but hardly less dangerous. Through these tracts a horse is the surest guide: he seems, Sir G. Mackenzie says, to know precisely where he may place his foot in safety. When in doubt, he feels the ground with his foot before he attempts to place his whole weight upon it; and if he is convinced that there is danger, nothing will induce him to set a step forward. The travellers were told that they should find the road through one of these bogs not so bad, because a bridge had been constructed there for the accommodation of travellers. This proved however to be nothing more than a deep ditch, with loose sharp stones at the bottom, along which they past in a string.

The great objects of curiosity in this extraordinary country are the Geysers. There are few countries without warm springs; but the Geysers are phenomena peculiar to Iceland. Of these we will give



give as full an account as the limits of a journal will allow, and as far as possible in the traveller's own words.

‘On approaching the place, it appeared that a mount had been formed of irregular, rough looking depositions, upon the ancient regular strata, whose origin has been similar. The slope of the latter has caused the mount to spread more on the east side, and the recent depositions of the water may be traced till they coincide with them. The perpendicular height of the mount is about seven feet, measured from the highest part of the surface of the old depositions. From these the matter composing the mount may be readily distinguished, on the west side, where a disruption has taken place. On the top of this mount is a bason, which we found to extend fifty-six feet in one direction, and forty-six in another.

‘At a quarter before three o'clock in the afternoon, when we arrived on the spot, we found the bason full of hot water, a little of which was running over. Having satisfied my curiosity at this time, I went with the rest of the party to examine some other places whence we saw vapour ascending. Above the Great Geyser at a short distance, is a large irregular opening, the beauties of which it is hardly possible to describe. The water which filled it was as clear as crystal, and perfectly still, though nearly at the boiling point. Through it we saw white incrustations forming a variety of figures and cavities, to a great depth; and carrying the eye into a vast and dark abyss, over which the incrustations formed a dome of no great thickness; a circumstance which, though not of itself agreeable, contributed much to the effect of this awful scene.

‘Having examined several other cavities, I returned to the Geyser in order to collect specimens of the incrustations on the mount. I selected a fine mass close to the water on the brink of the bason, and had not struck many blows with my hammer, when I heard a sound like the distant discharge of a piece of ordnance, and the ground shook under me. The sound was repeated irregularly, and rapidly; and I had just given the alarm to my companions, who were at a little distance, when the water, after heaving several times, suddenly rose in a large column, accompanied by clouds of steam, from the middle of the bason, to the height of ten or twelve feet. The column seemed as if it burst, and sinking down it produced a wave which caused the water to overflow the bason in considerable quantity. The water having reached my feet, I was under the necessity of retreating, but I kept my eye fixed on what was going on. After the first propulsion, the water was thrown up again to the height of about fifteen feet. There was now a succession of jets to the number of eighteen, none of which appeared to me to exceed fifty feet in height; they lasted about five minutes. Though the wind blew strongly, yet the clouds of vapour were so dense, that after the first two jets, I could only see the highest part of the spray, and some of it that was occasionally thrown out sideways. After the last jet, which was the most furious, the water suddenly left the bason, and sunk into a pipe in the centre. The heat of the bottom of the bason soon made it dry, and the wind blew aside the vapour almost immediately

mediately after the spouting ceased. We lost no time in entering the bason to examine the pipe, into which the water had sunk about ten feet, and appeared to be rising slowly. The diameter of the pipe, or rather pit, is ten feet, but near the top it widens to sixteen feet. The section, which is taken across the longest diameter of the bason, gives a distinct idea of the whole structure of the external part of this wonderful apparatus. The perpendicular depth of the bason is three feet; that of the pipe being somewhat more than sixty feet, though there may be some inaccessible hollows which extend to a much greater depth.

After the water had descended into the pipe, there was no appearance of any vapour issuing from it, till it had reached the mouth, when a little was visible. Even when the bason was full, the quantity of vapour was far from being so great as might have been expected to proceed from so large a surface of hot water. At five minutes before six o'clock it boiled a little, and continued to do so at intervals. Having thrown a stone into the water while it was perfectly still, I observed that an ebullition immediately took place till the stone reached the bottom. I then requested all the party to provide themselves with large stones, and to throw them into the pipe, on a signal I should give, when the water was still. When the stones were thrown in a violent ebullition instantly followed; and this escape of steam on agitation, may serve to assist a theory of the phenomena.

Following the channel which has been formed by the water escaping from the great bason during the eruptions, we found some beautiful and delicate petrifications. The leaves of birch and willow were seen converted into white stone, and in the most perfect state of preservation; every minute fibre being entire. Grass and rushes were in the same state, and also masses of peat. In order to preserve specimens so rare and elegant, we brought away large masses, and broke them up after our return to Britain; by which means we have formed very rich collections; though many fine specimens were destroyed in carrying them to Reikiavik. On the outside of the mount of the Geyser, the depositions, owing to the splashing of the water, are rough, and have been justly compared to the heads of cauliflowers. They are of a yellowish brown colour, and are arranged round the mount somewhat like a circular flight of steps. The inside of the bason is comparatively smooth; and the matter forming it is more compact and dense than the exterior crust; and, when polished, is not devoid of beauty, being of a grey colour, mottled with black and white spots and streaks. The white incrustation formed by the water of the beautiful cavity before described, had taken a very curious form at the edge of the water, very much resembling the capital of a Gothic column. We were so rapacious here, that I believe we did not leave a single specimen which we could reach; and even scalded our fingers in our eagerness to obtain them. We found the process of petrification in all its stages; and procured some specimens in which the grass was yet alive and fresh, while the deposition of the silicious matter was going on around it. These were found in places at a little distance from the cavity, where the water running from it had become cold.—pp. 214, 215, 219.

These employments, delightful as they were, formed only the interlude of the grand spectacle. They pitched their tent about a hundred yards from the Great Geyser, and kept regular watch during the night. After two false alarms, they were roused to behold an explosion of the New Geyser: there was little water, but the force with which the steam escaped produced a white column of spray and vapour at least sixty feet high, accompanied with a tremendous noise. The second night they were more fortunate.

On lying down, we could not sleep more than a minute or two at a time; our anxiety causing us often to raise our heads to listen. At last the joyful sound struck my ears: and I started up with a shout, at the same moment when our guides, who were sleeping in their Iceland tent at a short distance opposite to us, jumped up in their shirts and hallooed to us. In an instant we were within sight of the Geyser; the discharges continuing, being more frequent and louder than before, and resembling the distant firing of artillery from a ship at sea. This happened at half past eleven o'clock; at which time, though the sky was cloudy, the light was more than sufficient for shewing the Geyser; but it was of that degree of faintness which rendered a gloomy country still more dismal. Such a midnight scene as was now before us can seldom be witnessed. Here description fails altogether. The Geyser did not disappoint us, and seemed as if it was exerting itself to exhibit all its glory on the eve of our departure. It raged furiously, and threw up a succession of magnificent jets, the highest of which was at least ninety feet. At this time I took the sketch from which the engraving is made: but no drawing, no engraving, can possibly convey any idea of the noise and velocity of the jets, nor of the swift rolling of the clouds of vapour, which were hurled, one over another, with amazing rapidity.—  
p. 223.

Mr. Hooker's account is equally impressive. We must insert that part of it, which describes the basin of the Great Geyser, because it is a remarkable instance of successful description.

A vast circular mound (of a substance which, I believe, was first ascertained to be siliceous by Professor Bergman) was elevated a considerable height above those that surrounded most of the other springs. It was of a brownish grey color, made rugged on its exterior, but more especially near the margin of the basin, by numerous hillocks of the same siliceous substance, varying in size, but generally about as large as a molehill, rough with minute tubercles, and covered all over with a most beautiful kind of efflorescence; so that the appearance of these hillocks has been aptly compared to that of the head of a cauliflower. On reaching the top of this siliceous mound, I looked into the perfectly circular basin, which gradually shelved down to the mouth of the pipe or crater in the centre, whence the water issued. This mouth lay about four or five feet below the edge of the basin, and proved, on my afterwards measuring it, to be as nearly as possible seventeen feet distant from it on every side; the greatest difference in the distance not being more than a foot. The inside was not rugged, like the outside; but

but apparently even, although rough to the touch, like a coarse file: it wholly wanted the little hillocks and the efflorescence of the exterior, and was merely covered with innumerable small tubercles, which, of themselves, were in many places polished smooth by the falling of the water upon them. It was not possible now to enter the basin, for it was filled nearly to the edge with water the most pellucid I ever beheld, in the centre of which was observable a slight ebullition, and a large, but not dense, body of steam, which, however, increased both in quantity and density from time to time, as often as the ebullition was more violent."—pp. 116, 117.

A simple and ingenious theory of these Geysers is offered by Sir G. Mackenzie. He supposes a cavity partially filled with boiling water, and communicating with a shaft or pipe. That part of the cavity which is not filled with water is of course filled with steam, by the pressure of which the water is sustained to the top of the pipe. But upon any sudden addition of heat under the cavity, a quantity of steam will be produced, which, owing to the great pressure, will be revolved in starts, causing the noises, and the shaking of the ground. The water must now rise above the pipe; an oscillation is produced; the water is pressed downward, and the steam, he says, 'having now room to escape, darts upward, breaking through the column, and carrying with it a great part of the water. As long as the extraordinary supply of steam continues, these oscillations and jets will go on. But at every jet some of the water is thrown over the bason, and a considerable quantity runs out of it. The pressure is thus diminished; the steam plays more and more powerfully, till at last a forcible jet takes place; a prodigious quantity of steam escapes, and the remaining water sinks into the pipe.'

Mr. Hooker observes, that the water is never of a greater heat than  $212^{\circ}$  of Fahrenheit: he had forgotten that this is the boiling point, though he might have been reminded of it when Jacob boiled his mutton for him in the great Geyser. The Icelanders who live near these hot-springs, send their clothes to be washed; and the people who are thus employed, dress their eggs and miserable potatoes there. They indeed are accustomed to more formidable effects of the burning soil upon which they tread. Horrebow speaks of a man who lighted his pipe at a stream of lava. This was during the eruption of mount Krabla, which from 1724 to 1730 almost incessantly poured forth its burning torrents. The natives call these tremendous streams by the appropriate name of Stone-floods. By day they emit a blue sulphureous flame, obscured by smoke and vapour: by night they redden and illuminate the whole horizon. Balls of fire are sent up from the stone-floods as well as from the burning mountains. In 1755, Katlegiaa poured out a torrent of

water which swept glaciers and rocks before it, and inundated an extent of country fifteen miles long and twenty wide: alternate discharges of fire and water took place, each equally destructive; loud subterranean noises were heard to the distance of eighty or ninety miles; and three hundred miles off, ashes fell like rain in the Feroe isles.

But the most tremendous eruption recorded in the Icelandic annals, is that of 1783. It began on the 1st of June with earthquakes; these continued to increase till the 11th, when the inhabitants quitted their houses and took up their abode in tents: meantime a continual smoke was seen rising from the northern and uninhabited part of the country; three fire-spouts broke out, which, after they had risen to a considerable height, were formed into one, visible at a distance of more than 150 miles. The whole atmosphere was darkened with sand and dust and brimstone; showers of pumice stones fell red-hot, together with a dirty substance like pitch in small balls or rings, which blasted all vegetation. At the same time, great quantities of rain fell, which, running in torrents upon the hot ground, tore up the earth and carried it into the lower country. This rain was so impregnated with salt and sulphur in passing the clouds of smoke which filled the sky, as to occasion considerable smarting on the skin. At a greater distance from the fire, there was in some places a shower of hail, in others a fall of snow, so heavy as to do much injury to the cattle. Meanwhile, such steams arose as to darken the sun, and make its disk appear like blood: this was perceived in England. A tract of country, above sixty English miles in length, was converted into one great lake of fire. Its perpendicular height was from sixteen to twenty fathoms. The hills which it did not cover, it melted down; so that the whole surface was one level expanse of molten matter. Two burning islands were thrown up in the sea. Ships sailing between Copenhagen and Norway were covered with a black and pitchy mixture of brimstone and ashes; and the rain which fell in Norway was so acrid that it totally destroyed the leaves of the trees. Nearly all the grass in the island was burnt, and what was left was in such a state that most of the cattle which escaped the fire and flood, died for want of food, or were poisoned by what hunger compelled them to eat. The atmosphere proved fatal to old persons, and all who had any tendency to pulmonary disease. But the greatest evil was the famine which ensued; and which was so dreadful that the number of inhabitants who perished in consequence of the eruption, amounted to near 9000.

This is sufficiently awful—yet were we to contemplate the different effects of moral and physical evil, a comparison between this ravaged island and the earthly paradises of the South Sea would

would still leave the balance of happiness on the side of the *Icelander*. In those delicious countries, where the earth brings forth her fruits spontaneously, the inhabitants have abandoned themselves to the most loathsome and pernicious vices, are becoming every year more savage and miserable, and, in a few generations, will, undoubtedly, be extinct, if left to themselves. This may be safely predicted from their perpetual wars, their cannibalism, their human sacrifices, their promiscuous intercourse, their child murder, and other unutterable abominations. How much happier, amidst all the terrors of nature, the poor and virtuous *Icelander*! Perhaps it is not possible to produce a more beautiful instance of the beneficial effects of a common bond of faith, and an established religion, than is to be found in the works before us. An *Icelandic church* is hardly of better construction than the rudest *English barn*—but we will take *Mr. Hooker's* description of the church of *Thingvalla*.

'It was of a simple construction; in form, an oblong quadrangle, with thick walls, leaning a little inwards, composed of alternate layers of lava and turf. The roof was of turf, thickly covered with grass, and from the top of this to the ground, the building was scarcely more than sixteen or eighteen feet high. The entrance end alone, was of unpainted fir planks, placed vertically, with a small door of the same materials. I was surprised to find the body of the church crowded with large old wooden chests, instead of seats, but I soon understood that these not only answered the purpose of benches, but also contained the clothes of many of the congregation, who, as there was no lock on the door, had free access to their property at all times. The bare walls had no covering whatever, nor the floor any pavement, except a few ill-shapen pieces of rock, which were either placed there intentionally, or, as seems most probable, had not been removed from their natural bed at the time of the building of the church. There was no regular ceiling: only a few loose planks, laid upon some beams, which crossed the church at about the height of a man, held some old bibles, some chests, and the coffin of the minister, which he had made himself, and which, to judge from his aged look, he probably soon expected to occupy. The whole length of the church was not above thirty feet, and about six or eight of this was parted off by a kind of skreen of open work (against which the pulpit was placed) for the purpose of containing the altar, a rude sort of table, on which were two brass candlesticks, and, over it, two extremely small glass windows, the only places that admitted light, except the door-way. Two large bells hung on the right-hand side of the church, at an equal height with the beams.' pp. 93, 94.

The church-yard is often enclosed by a rude wall of stone or turf, and the area thinly sprinkled with banks of green sod, which alone serve to mark the burial places of the natives. And here we must gratify our readers with the most beautiful passage in *Sir G. Mackenzie's* book.



'The moral and religious habits of the people at large may be spoken of in terms of the most exalted commendation. In his domestic capacity, the Icelander performs all the duties which his situation requires, or renders possible; and while by the severe labour of his hands, he obtains a provision of food for his children, it is not less his care to convey to their minds the inheritance of knowledge and virtue. In his intercourse with those around him, his character displays the stamp of honour and integrity. His religious duties are performed with cheerfulness and punctuality; and this even amidst the numerous obstacles, which are afforded by the nature of the country, and the climate under which he lives. The Sabbath scene at an Icelandic church is indeed one of the most singular and interesting kind. The little edifice, constructed of wood and turf, is situated perhaps amid the rugged ruins of a stream of lava, or beneath mountains which are covered with never-melting snows; in a spot where the mind almost sinks under the silence and desolation of surrounding nature. Here the Icelanders assemble to perform the duties of their religion. A group of male and female peasants may be seen gathered about the church, waiting the arrival of their pastor; all habited in their best attire, after the manner of the country; their children with them; and the horses, which brought them from their respective homes, grazing quietly around the little assembly. The arrival of a new-comer is welcomed by every one with the kiss of salutation; and the pleasures of social intercourse, so rarely enjoyed by the Icelanders, are happily connected with the occasion which summons them to the discharge of their religious duties. The priest makes his appearance among them as a friend, he salutes individually each member of his flock, and stoops down to give his almost parental kiss to the little ones, who are to grow up under his pastoral charge. These offices of kindness performed, they all go together into the house of prayer.'—pp. 31, 32.

A picture worthy of the poet of the Sabbath, and which would have delighted his affectionate and gentle heart. The clergy appear to perform their duties in an exemplary manner. Sir George has copied a page of a parish register, in which the worthy pastor, Mr. Healtalin, for his own satisfaction, makes an annual record of the moral and religious state of every family in his parish; his labour indeed is not very great, for the population varies from 200 to 210; this, however, is not remarked with any intention of detracting from the merit of this excellent pastor. 'This example,' Sir George says, 'of the attention and pious care with which the duties of a country priest are performed, in so remote a corner of the Christian world, may excite a blush in many of his brethren in more fortunate countries, and amid more opulent establishments.'

It would extend this article to an undue length were we to follow Sir George upon his mineralogical excursions, and through his speculations in geology; or botanize with Mr. Hooker. We must

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speak of the present state of the island in its political relations, and conclude.

The ship in which Mr. Hooker sailed was a merchant adventurer, provided with a licence and a letter of marque, belonging to Mr. Phelps, a London merchant, who was himself on board. In consequence of some restrictions imposed by the governor, in violation, as Mr. Phelps conceived, of a previous agreement, and certainly as much to the injury of the Icelanders as of the English trader, that gentleman thought it necessary to avail himself of his letter of marque, by virtue of which he landed a dozen men, made the governor prisoner, and carried him on board his ship. Having thus subverted the Danish government, he found it necessary to establish some regular authority till his own government should determine in what manner to act; and this led to what is called the Islandic Revolution, the most singular and innocent event which was ever dignified with such an appellation. A Dane had gone out with Mr. Phelps, by name Jorgensen, who had served in the British navy, and imbibed, according to his own words, together with his knowledge of nautical affairs, the principles, and prejudices of Englishmen. In 1806, at the age of 25, he returned to Copenhagen, where, by his open hatred of the conduct of the French, he made himself many enemies. War broke out between this country and Denmark. Jorgensen, in consequence of a decree calling upon all persons to serve, took the command of a privateer, in which he was made prisoner, and being landed at Yarmouth was set at large upon his parole. This he did not conceive sufficient to prevent him from going a voyage in a British ship, engaged on British pursuits, and with the intention of returning to England.

Mr. Phelps and his privy council determined that Jorgensen should, for the present, assume the chief command, because, not being a subject of Great Britain, he was not responsible to it for his actions. The accident of his being a Dane, which was rather of more consequence, seems not to have been taken into their consideration, and to have been readily overlooked by himself. He therefore issued a proclamation declaring that all Danish authority in Iceland was at an end, and all Danish property confiscated. By a second proclamation he decreed that Iceland should be independent of Denmark, and that a republican constitution should be established similar to that under which the country had flourished till it united itself with Norway. The representatives of the people were to be assembled to form their new government, and till that could be done the existing authorities were to continue. A few persons expressed, in private, their objection to the measure of declaring the island independent, upon the ground that it did not

produce food for its inhabitants; but the Icelanders in general were ill affected towards Denmark. It is not surprising, therefore, that they readily submitted to a revolution which would, they hoped, secure to them the protection of England, and open an intercourse with that country. None of the principal magistrates resigned their situations. The bishop and the clergy professed their satisfaction at the new order of things, and their willingness to support it, and exhorted all classes of persons to do the same. Many of the people came forward to offer their services as soldiers to Jorgensen. Search was made for arms, and about twenty old fowling pieces were found; there were also a few swords and pistols, with which eight men were equipped; and these, being dressed in green uniforms and mounted, scoured the country, intimidated the Danes, and crushed a conspiracy which was formed for seizing the English ship and restoring the Danish authority. Encouraged by the support of the army of Iceland, Jorgensen issued another proclamation, that the soldiery had chosen him to be their leader, and styling himself his Excellency the Protector of Iceland, Commander-in-Chief by sea and land. He abolished the great seal of the country, substituting his own till the representatives of the people should fix upon one, and hoisted a new flag upon the government-house bearing three split stock-fish upon a field azure. His orders for the seizure of Danish property were readily executed; and Mr. Phelps, acting under his Excellency the Protector, began to put the harbour of Reikiavik into a state of defence. For this purpose, he and his ship's crew, with the assistance of the natives, erected a battery, which they named Fort Phelps, and mounted it with six guns, which had been sent from Denmark 140 years before, and were now dug up from the sand, where they had lain buried.

Jorgensen entered upon his government with enthusiasm: he made a journey across the country to its most northern parts; wherever he went he was welcomed by the people as their deliverer; they crowded about him to relate the impositions to which the Danes had subjected them, and to assure him of their satisfaction in being freed from their tyranny. He declared it lawful for every Icelander to proceed from place to place, and trade wherever he pleased, without a passport; he announced his intention of sending an ambassador to his British Majesty to conclude peace; made a decree that none but Icelanders should fill public employments; and promised to the people a state of happiness which they had never before known. One circumstance which occurred under his government is too characteristic to be omitted. A poor peasant, in hopes of obtaining his share in this promised state of felicity, presented a petition

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petition to him, of which the following is a translation by his Excellency the Protector himself.

**A PETITION FROM BIARNE THORLEVSEN**

'Sheweth that, in the year 1805, my wife, Thorunn Gunnlaugdatter, was sentenced to two years' labour in the Icelandic workhouse, only for the simple thing of stealing a sheep, which, besides, was nothing at all to me. The separation, which took place accordingly, occasioned that I was compelled to take a young girl as my housekeeper, who otherwise much recommended herself by her ability and fidelity. The consequence of these circumstances was, that the girl produced two little girls, after each other, whose father I am. We were then separated by order of the magistrates; and in this manner must the education of two innocents, but, at the same time, right handsome little girls, remain neglected, unless she as mother, in conjunction with me as father, is not hindered from following the irresistible dictates of nature, in the care and education of the children. But this cannot be done if we are not allowed to marry, and I humbly beg Mr. Bishop Videlin's declaration; so much the more so as I am convinced of the justice of my cause. I also commit my life and worldly happiness to your Excellency's gracious consideration, with the confidence and attachment of a subject.

BIARNE THORLEVSEN.

This petition was referred to the bishop, who accordingly inquired into the affair, and finding that the wife was not so fond of her husband as of her neighbour's mutton, and wished to be separated from him, pronounced a divorce accordingly, and Thorlevsen was thus enabled to marry his housekeeper.

Jorgensen's reign was terminated by the arrival of the Honourable Alexander Jones, Captain of the Talbot sloop of war, who, upon the representations of the Danish merchants, thought it incumbent upon him to send both the Danish governor and Jorgensen to England, restoring the former authorities under the Stiftamtman Stephenson, till the pleasure of the British government should be known. By his orders the new flag was struck, the battery destroyed, the guns taken off the island, and the confiscated property restored. Jorgensen, soon after his arrival in England, was sent on board the hulks for having broken his parole: after remaining in this confinement twelve months, he was placed in a comparative state of liberty at Reading; where he amuses himself with writing books, in one of which, by way of recommending himself to the English gentleman to whom it is dedicated, he says he is descended in a direct line from those ancient and warlike tribes who trampled on Rome and Britain. The Dane needed not have reminded us of this; for our arrears to his ancestors have been paid off at Copenhagen. 'Should you,' he says in an address to the reader, 'happen to be one of those reptiles who pleasantly enough style themselves critics, and who, without giving the world any thing of their own, apply

apply their worthless talents in pulling to pieces other men's writings, then I frankly confess I expect no mercy from you. But, lest you should be conceited enough to think that any thing you could say would give me the least uneasiness, I must now inform you I am not of a humour to treat you with the least respect, and that censure from such a person as you would be more welcome to me than your dull praise.

But Mr. Jorgensen comes before us not in his literary character, but as the usurper, according to Sir George Mackenzie and Captain Jones's Icelandic eulogist, or, as he would have it, and, we verily believe, the Icelandic people also, his Excellency the Protector of Iceland; and in this capacity we should most cordially approve of all that he did, had he been an Icelander himself, or any thing but a Dane. Being a Dane, there can be no excuse for his hostility against Denmark. Sir G. Mackenzie charges Mr. Hooker with partiality to Jorgensen; but, as we think, without sufficient foundation; because, while his own statement is decidedly in favour of the measures of his friend Mr. Phelps, he gives, upon every point, the counter statement of the Danish governor. And surely Sir George, who went to Iceland with letters from Count Trampe, the governor, who inhabited his house at Reikiavik, and who dedicates his work to him, is quite as likely to be biassed by his acquaintance with that gentleman, as Mr. Hooker by his knowledge of the spirit and personal qualities of Jorgensen.

Before these transactions, a privateer had the barbarity to plunder these poor islanders; similar depredations had been committed by Baron Hompesch under the British flag, upon one of the Feroe islands. In consequence of these circumstances and of the representations of Sir Joseph Banks, whose name is honoured by the Icelanders as it deserves, (for by his interference such of their countrymen as were prisoners, have been released and supplied with money till they could find means of returning to their own country,) an order in council was issued February 7th, 1810, declaring that the Feroe islands and Iceland, and the settlements on the coast of Greenland should be exempt from all hostilities on the part of England, and permitted to trade with London or Leith; and that the people when resident in his Majesty's dominions, should be considered as stranger-friends, and in no case treated as alien-enemies. A way has thus been opened for bettering the condition of Iceland, 'provided,' says Mr. Hooker, 'the Danish government has compassion enough upon the most injured of its subjects to permit the humane intentions of his Majesty's ministers to be carried into effect; but should this not be the case, (and such seems more than probable from the late decrees of Denmark, strictly prohibiting on pain of death, all intercourse with the

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the British,) then will the state of the nation be more wretched than ever, unless England should no longer hesitate about the adoption of a step to which every native Icelander looks forward as the greatest blessing that can befall his country, and which to England herself would be productive of various advantages, the taking possession of Iceland and holding it among her dependencies.

In this opinion Sir G. Mackenzie, differing as he does from Mr. Hooker concerning the revolution, entirely coincides, being convinced that the only effectual mode of relieving the Icelanders, is to annex the island to the British dominions. Fish and oil, he says, might immediately be obtained to any amount; the quantity of hides and tallow might soon become considerable; and roads, which increased industry might soon provide, would render the exportation of sulphur an important branch of trade. But it is not to the commercial interests of Great Britain that we would appeal. A people whose history is more innocent than that of any other nation under heaven, inhabiting the most forlorn of all countries, poor but yet contented, and amid their privations, cultivated by letters to a degree which might make wealthier countries ashamed, are at this moment exposed to the severest sufferings of want, because they are dependent upon Denmark, and Denmark is at war with Great Britain. Their industry is suspended, because it is rendered useless; the revenues which supported their schools are cut off, and unless some speedy and effectual relief be afforded there is less danger of their falling into barbarism, than of their extinction as a people: for they labour under all the diseases which are produced by unwholesome diet; and of the children a very small proportion live through their infancy for want of proper food.

To remedy these evils nothing more is required than to take them under the protection of Great Britain, and let them govern themselves. A tenderness toward the court of Copenhagen is all that can prevent this, and how has that court deserved it at our hands? Is it for its edicts denouncing death against any of its subjects who shall be detected in trading with England? for its execution of the burning decrees? for its treatment of Romans and of those Spaniards who, being less fortunate than their noble leader, are still lying in Danish prisons? Is it for its assent to the treaty of Tilsit, or its share in the armed neutralities? Or must we go back to those old obligations in the days of the Vikings, of which Mr. Jorgensen has so happily reminded us, and through respect to the memory of Sweyn and Canute, give as little offence as possible to their successors?

If ever there was a country deserving the admiration and gratitude of the world, it is Great Britain at this momentous time. And if the historian whose task it may be to record her struggles and her triumphs,

triumphs, should be destined to relate, that while she stood forward alone against the most formidable tyranny which ever yet assailed the liberties of mankind, her rulers found leisure to think of the distresses of a forlorn and suffering people, and to provide for their welfare, without one selfish view—they who shall peruse the tale, will feel such an act as neither the least memorable nor the least glorious of those which will render her the light and the example of all ages to come.

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ART. IV. *The Antiquities of the Saxon Church.* By the Rev. John Lingard. Two Vols. 8vo. Newcastle.

THIS is the work of a catholic priest, a man not unequal to his undertaking either in intelligence or research, but abounding in all that professional bigotry, which, after being suppressed in this country for a season by fear and caution, is now directing its attacks against the protestant world with a confidence excited by the possession of independence and the hope of power.

Ever since the appearance of Mr. Gibbon's great work, it has become a kind of fashion to decline the plain path of argumentation, and to make history an insidious channel for the conveyance of controverted principles. The style of the present volume proves our author's intimate acquaintance with the history of the Decline and Fall of the Roman Empire, and his sagacity has unquestionably suggested to him the adoption of a manner so attractive in itself, and so well adapted to the indolence and levity of modern reading. Under another form, it is really a controversial work. It was manifestly not the author's object to give a simple narrative of the Anglo-Saxon church, which during the whole of this period was unquestionably more or less dependant upon Rome; but to exalt the character of Augustine and his followers, to sink that of the primitive British churches, to prove the marriage of the secular priests a mere usurpation, to extol the monks and their patrons, to identify the most extravagant tenets of his own establishment with the doctrines of the Saxon church, and finally, to insult and vilify the church of England, and the most venerable of her prelates, for their departure from the faith and discipline of their ancestors. This plan, at once bold and crafty, which is carried on with little art or disguise, will suggest a few reflections.

It appears, in fact, to be a sort of argumentum ad verecundiam. Transubstantiation, we are told, was the authorized doctrine of this period; it was the religion of Odo and Dunstan, and of all the pious and learned men who then adorned the cloisters and cathedrals of England. On this assumed fact the author descants so triumphantly,



triumphantly, and with so much self-complacency, that out of tenderness to his feelings we are for the present disposed to concede it to him:—be it then, that transubstantiation was the faith of our Saxon ancestors. Who were they? A set of pirates just emerging from barbarism, and scarcely capable of comprehending their own wretched systems. Yes, it is to the faith and practice of such an age that we are to be recalled,—to give in exchange for the cloudy sophistry of Scotus the luminous metaphysics of Locke, Clarke and Paley, and in a period when all the operations of intellect have been analyzed with an exactness, and carried to a perfection, unknown in former ages, to resign our understandings to the authority of dreaming priests who were hardly acquainted with the first principles of scientific reason.

Equally unimportant is it to us whether the marriages of the Saxon clergy were canonical or not:—they were natural and necessary, and therefore scriptural. But married or unmarried, why are the secular clergy of the church of Rome itself, to be for ever sunk in the comparison with their cloistered brethren? Why are the frozen and torpid virtues of the one to be preferred to the active and laborious exertions of the other? To the zeal and well-directed endeavours of many of these men we are willing to pay every tribute of applause. Unintelligible as their public ministrations are to the generality; in private instruction and admonition, in constant and vigilant inspection of their flocks, the secular clergy of that church have, in many instances, been a pattern, and perhaps a reproach to ourselves. They have done the work of evangelists—they have been instant in season and out of season: but these virtues have descended upon them in succession from an higher antiquity, and from a purer fountain than the institutes of Gregory or Benedict. Take the monastic life in its most favourable aspect; its abstractions and mortifications, its watchings, meditations, together with its everlasting round of tiresome forms—what is it but a waste of devotion, a solitary and self-chosen path? Surely, unless the members of that church were given up to a reprobate *taste* in religion, some portion of their applause would be transferred to men whom they might justly commend—to the humble and devout Fenelon, to the intrepid and heroic Belsunce, and to the confessors and martyrs of the Gallican church during its last awful trial. We have been provoked by the petulance of the author to express a warmth to which we have not been accustomed—and we would challenge a comparison between the meddling and secular spirit, the pride and cruelty of his heroes Odo and Dunstan, not merely with the seculars of his own church, but with the learning and moderation of Parker, or the sanctity of Secker and Porteus, each of whom he insults. Could any thing short of the rancour and bigotry of his church



church have tempted a Saxon scholar, (and no contemptible one) to speak of the *offal* of Archbishop Parker, to whose taste and liberality many of the most valuable remains in that language owe their preservation? But the archbishop's offence was inextinguishable. He had honestly vindicated the antiquity and independence of the British churches—he had censured, in the free and spirited language of the first reformers, the arrogance and superstition, the pomp and vanity of Augustine. We will, however, present the classical reader with a morsel of this 'offal.'

'Gregorius enim—ipsi Augustino ad missarum solennia celebranda, pallium, item vasa sacra, altarium vestimenta, ecclesiarum ornamenta, sacerdotilia atque clericalia indumenta, sanctorum apostolorum ac martyrum reliquias se misisse dicit: Ex quibus videmus, quantæ tum in Romanam ecclesiam cœcitates et errores irreperant. Nec hujus modi solum malis sanctiora ecclesiæ instituta depravata sunt, sed ex illâ, de unius in ecclesiâ pastoris imperio atque potestate, contentione, quam Johannis Constantinopolitani patriarchæ ambitio, vivente adhuc & acerrimè reclamante Gregorio, excitavit, non modò ad superstitionem & sacrorum omnium profanationem, sed etiam ad impietatem atque Antichristi regnum, patefacta fuit janua: Antea enim inaudita erant et incognita illa superborum titulorum nomina; summus pontifex & unicum ecclesiæ in terris caput, Christi vicarius & similia, quibus insollescere cœpit Romanorum pontificum audacia, quibusque parere, sub æternæ mortis penâ, omnes jubentur.'—*Augustinus*.

In opposition to these censures let it be remembered how candidly the archbishop had spoken of the labours and successes of his first predecessor: Illi evangelium Jesu Christi regi & universo comitatu prædicant. Quid multis opus est? Multi Christo nomen dederunt, crediderunt, baptizati sunt, donec Rex ipse tandem conversus et universus populus Christo lucrifactus est. It was the religion therefore of Christ which was presented to Ethelbert and his people; their faith is admitted to have been genuine, their conversion sincere, their baptism regular; concessions which would not have been made by a catholic to the claims of any protestant missionary. But upon such men concessions are thrown away. Acknowledgments of what yet remains in popery of genuine christianity are coldly and sullenly accepted. An exposure of its errors, however elegantly expressed, is coarsely denominated *offal*.

These observations may suffice as to the general temper and principles of the work before us; in the style there is little to censure, and excepting that the author has chastized and simplified his model, there is nothing greatly to commend; our concern, therefore, in the remaining part of this Review, must be with specific facts and positions.

And first we have to admire the flexible and accommodating spirit of our author, as a missionary: 'the Saxons,' he tells us,

'had

'had been accustomed to enliven the solemnity of their worship by the merriment of the table. The victims which had bled on the altars of the gods, furnished the principal materials of the feast, and the praises of their warriors were mingled with the hymns chaunted in honour of *the divinity*. Totally to have abolished this practice, might have alienated their minds from a religion which forbade the most favourite of their amusements.' So thought and acted the Chinese missionaries, and so will ever think and act the propagators of a religion like that of Rome. But when the apostles and first preachers of the word went forth in the 'power of the spirit' to convert the world, we find nothing of this compromise and conciliation, this medley of christian worship with 'the elegant mythology, the captivating songs and dances' which constituted the great attractions of the heathen ritual. Had Paul and Barnabas acted upon these principles, the offence of the cross would in one sense have ceased, and the churches of the first century exhibited what these men have again and again been challenged to produce, 'a gay religion, full of pomp and gold.' The doctrine of Jesus would have found a ready reception at Corinth or at Antioch, and the grove of Daphne have exhibited an edifying spectacle of easy and accommodating christianity. Compared to the puritanism, with which this writer has branded the morality of Dr. Henry, how gentle in his language in speaking of the Saxon worship and manners! Their acts of idolatry are termed 'solemnities of worship,' their brutal intemperance heightened, like every species of excess, by its combination with religion, 'the merriment of the table;' while the hymns chaunted to their idols are expressly said to be addressed to 'the divinity.' To the flexibility, however, of Gregory, in permitting this incongruous union, we are indebted for all the outrages on decency which take place in the religious festivals of the common people, and of which one of the evils was, that, in the seventeenth century, they produced a recoil of manners more hateful and mischievous than themselves.

But where is the wonder, if in the conception of this writer, the conduct of missions admit of such a latitude, when the principle itself is radically defective? 'The rulers,' he says, 'of the barbarous nations had proved themselves not insensible to the truths of the gospel, and the influence of their example had been recently demonstrated in the conversion of the Franks, the Visigoths and the Suevi. Hence, the first object of the missionaries, Roman, Gallic, or Scottish, was invariably the same, to obtain the patronage of the prince: *his* favour ensured, *his* opposition prevented their success.' In the primitive church, christianity prevailed *against* the powers of the world, and those excellent men who are, in our days,

days, undertaking missions more remote and perilous than that of Augustine, have learned to rely on the favour and protection of One who, in Mr. Lingard's account, is no party to the conversion of heathen nations. Of national conversions indeed we have always been jealous; for the complaisance which embraces the christianity of the prince, will, with him, relapse into idolatry, and even while it retains the external profession of religion, be either hypocrisy or nothing. On these principles, the only instrument of conversion is policy, and the only effect an external compliance.

The following passage betrays a secret conviction that these missionaries were indebted for their freedom from persecution, to some abatement of that boldness and sincerity which distinguished the first preachers of christianity. 'If they neither felt *nor provoked* the scourge of persecution, they may at least claim the merit of pure, active, and disinterested virtue, and the fortunate issue of their labours is sufficient to disprove the opinion of those who imagine that no church can be firmly established, the foundations of which are not cemented with the blood of martyrs.' That is, the prudence and discretion of Augustine greatly surpassed that of the apostles and primitive martyrs: they, it seems, *provoked* the scourge—these men declined it; and with respect to success, till we know how many were really civilized, (a word which as being suited to the extent of his views Mr. Lingard generally uses,) and how many were really sanctified, (a word which he does not use;) we must be permitted to make some deductions from his flattering representations. Neither can we altogether accede to his opinion as to the disinterested exertions of Augustine and his followers. Men usually act upon a combination of motives. The character of a missionary was popular, the honours which awaited success were certain, and if, as appears, ecclesiastical ambition was the ruling principle of his heart, Augustine 'had his reward.' Meanwhile, we are not unwilling to concede to him a sincere and benevolent wish to 'civilize the manners and correct the vices of a distant and savage people.' The terms are happily chosen; they describe the conduct of the Jesuits in Paraguay; but they fall infinitely short of the views of an apostle. Doubtless a change of life and manners would occasionally take place even under great disadvantages in the mode of instruction; but these humble though important achievements of the missionaries were too private and unobtrusive to figure among the nominal conversions of princes, or nations, and accordingly the records of them are not to be sought upon earth.

The beneficial effects of christianity, however, upon the manners and temporal happiness of the Saxon converts, are pleasingly represented. 'Such were the pagan Saxons. But their ferocity

soon

soon yielded to the exertions of the missionaries, and the harsher features of their origin were insensibly softened under the mild influence of the gospel. Death or slavery was no longer the fate of the conquered Britons: by their submission they were incorporated with the victors, and their lives and property were protected by the equity of their Christian conquerors. The humane idea, that by baptism all men became brethren, contributed to meliorate the condition of slavery, and scattered the seeds of that liberality which gradually undermined, and at length abolished so odious an institution.' Very gradually indeed! These seeds, though sown in no barren soil, were long in maturing; and the topic would scarcely have been touched by Mr. Lingard, had he recollected that the vestiges of this odious institution are to be traced among his brethren the monks, to the very dawn of the Reformation.

Other instances of the success of the gospel, in this period, very conspicuous in Mr. Lingard's eyes, are, to our unpurged vision, somewhat equivocal. 'In the clerical and monastic establishments, the most sublime of the gospel virtues were carefully practised; even kings descended from their thrones, and exchanged the sceptre for the cowl.' From this passage, the disciples of Mr. Lingard may, not improbably, be led to infer, that, in a certain volume, there exists some specific precept by which kings, in order to attain to the most sublime of the christian virtues, are required to exchange a 'sceptre for a cowl.' In that volume we discern a very different spirit. We see the great sovereigns of the chosen people, David and Solomon, Jehosaphat and Josiah, administering judgment and justice, fighting the battles of their country, and actively employed in the various duties of their station to the very close of intellect or life. 'Three and twenty Saxon kings, however, and sixty queens and children of kings, were revered as saints by our ancestors.' What were the requirements to constitute that species of regal sanctity which excluded Alfred from the catalogue, we stay not to examine. Yet we are far from blaming the voluntary retirement of many Saxon princes; but surely, to descend from one of the thrones of the heptarchy, in the decline of health and spirits, is no such heroic act as to call forth extravagant commendation.—Mere satiety of power, united with the love of quiet incident to old age, has operated with equal force upon heathens:—and when the resolution was once taken, what retreat presented itself in a state of society so rude and turbulent, but the cloister? War and devotion were the two employments which then divided mankind. There were no liberal arts to relieve the irksome languor of declining age; no Salonian gardens to sooth the feelings of an abdicated monarch; no elegant retreat like that of St. Justus, in which, unfettered by

vows, yet secure from violence, between gentle occupation and calm devotion, he might wait his translation to a better life. The cowl alone was the condition of being admitted within the sacred walls, and to this last and lowest degradation of the regal character, the aged penitent was invited as an atonement for a life of violence and bloodshed. These remarks, though applied to a distant age, are not unseasonable at present. Monastic establishments are once more formed and fostered amongst ourselves. The same extravagant ideas of merit in voluntary abdication of the world are propagated, in derogation of the great satisfaction for sin: perverse and factitious virtues have been substituted for those of nature and scripture, which, as far as they extend, have rendered the practice of the most important duties of society impossible; have extinguished the mutual charities of life, and vainly taught men to believe, that the farther they recede from the commerce of mankind, the nearer they approach to God.

On the subject of celibacy, we meet with all the sophistry and misrepresentation, which were to be expected from so artful and intrepid a controvertist.

In this statement, however, he has not failed to avail himself of some mistakes into which Hume and other modern historians have been betrayed by their inattention to the canons of the Saxon church. These writers, we frankly admit, have, in defiance of all original evidence, asserted that the restriction of celibacy was first attempted to be imposed upon the clergy in the tenth century. The authority of Bede, and of the earlier councils, are decisive in referring the restriction to a much higher antiquity. But in making this concession, the cause of Protestantism sustains no injury.

The practice of the Saxon church we repeat, is no authority to us: yet even on this ground we are willing to meet the author, and to shew that, even when the church of Rome, availing itself of the prostrate state of human reason in the ninth and tenth centuries, was making rapid advances to that spiritual tyranny which was perfected in the thirteenth, human nature and the spirit of Saxon independence triumphed over these absurd and unscriptural restraints. In Northumbria it is certain, that for many generations ecclesiastics did actually marry, and a canon, relating to the clergy of that kingdom, applied by the author, without any appearance of scandal, to concubines, really proves to every one acquainted with the language, that it was intended to prevent the repudiation of lawful wives. *Eif preort cþenan foplete 3 oppe nime. anape ma rit.* 'That is, (says he) if a priest forsake his concubine.' When it is in an Englishman's choice to give up his skill or his honesty, it is usually understood that he will abandon the former. Mr. Lingard is certainly not unacquainted with the Saxon language.

language. What then must be the conclusion when we assure our readers that his interpretation of the word *qpen* has no other authority to support it than the opprobrious use of the modern queen, and that in no passage which we have ever met with, has it any other meaning than a queen or wife! In the Gothic gospels, where the word first appears, it is used in the same honourable sense: and it occurs repeatedly on Runic tombs commemorating married couples. *Wormii Monumenta Danica*, l. 2. pp. 112—213.

But our persevering ecclesiastic proceeds to argue in favour of clerical celibacy on higher grounds. 'From the gospel and the epistles of St. Paul, the first Christians had learned to form an exalted sense of the *merit* of chastity and continency. In all they were revered. From ecclesiastics they were expected. To the latter were supposed more particularly to belong, that voluntary renunciation of sensual pleasure, and that readiness to forsake parents, wife and children for the love of Christ, which the Saviour of mankind required in the more perfect of his disciples, and this idea was strengthened by the reasoning of the apostle, who had observed, that while the married man was necessarily solicitous for the things of this world, the unmarried was at liberty to turn his whole attention to the service of God.'

We should have thought it extremely difficult if not impossible to trace the doctrine of 'merit' to him who assured his disciples, that having done all, they were unprofitable servants, or to his apostle, who in a proposition, as humbling as it was universal, declared that all had sinned, and come short of the glory of God:—but the Church of Rome is possessed of a perverse nostrum for extracting the vilest dross from the purest gold. The author's next assertion is equally remote from the truth. The precept of forsaking parents, wife and children for the love of Christ, was not, as he affirms, directed to the more perfect of his disciples; but it was the very condition on which mankind were permitted to become his disciples at all. Let the reader judge from the verse to which we are referred. 'If any man come to me, and hate not father and mother, and wife and children, and brethren and sisters; yea, and his own life also, he cannot be my disciple.'<sup>\*</sup>

As little is the doctrine of clerical celibacy supported by another text, to which we are also referred. 'There be some that have made themselves eunuchs for the kingdom of heaven's sake.' In

\* We subjoin, for Mr. Lingard's behoof, the exposition of this passage given by a critic, who was but too partial to his own church, and may therefore obtain a hearing, which would be denied to 'a protestant bigot.' '*Neque enim actus designatur, sed affectus animi isthæc omnia infra Christum ducentis et parati ea amittere, si salvâ pietate retinere nequeant.*' *Grotius in Lucam*, xiv. 33.

other words, there were existing among the Jews at that time certain persons, who, from religious motives, lived in a state of voluntary chastity. We say voluntary chastity—which is confirmed by the words which immediately follow. ‘He that is able to receive it let him receive it.’ Our Saviour evidently leaves the option to every one, according to his conscience. To ecclesiastics, as such, it can by no interpretation be applied. A layman may have the gift of continency, a priest may not;—let each therefore act accordingly.

The same answer may be given to the passage quoted from 1 Cor. vii. 32. It is incapable of the remotest application to the clergy.

In times of calamity and persecution, the contracting of marriage might be inconvenient and imprudent. ‘I suppose, therefore,’ says the apostle, ‘that this is good for the present distress—I say that is good for a man so to be: but, and if thou marry thou hast not sinned; nevertheless such shall have trouble in the flesh: but I spare you.’ That is, such tender ties, under the distressful circumstances in which you are likely to be placed, will necessarily relax your fortitude, and endanger your fall. But this is said of the whole body of believers. Yet our author’s inference is, that in the contemplation of St. Paul, the embarrassments of wedlock were hostile to the profession of a clergyman at all times.

In the next place, the advantages attending clerical celibacy are pleaded from the disinterested and unworldly character, which it has been supposed to produce. ‘Had Augustine and his associates been involved in the embarrassment of marriage, they would never have torn themselves from their homes and country, and have devoted the best portion of their lives to the conversion of distant and unknown barbarians.’ Of such missionaries as Augustine the author has probably formed a just estimate. Policy and ambition are easily overborne by the force of domestic affection; yet has his walk of study been so exclusive that he has yet to learn that, within the last seven years, persons involved in the embarrassments of marriage have actually torn themselves from their homes, and devoted their lives to the conversion of nations more distant and people more barbarous than the Saxons of this island in the days of Augustine? Or can he have forgotten that an apostle, in whom his church claims an especial interest, carried about with him a wife, a sister, when engaged in the same work; and that his example was followed without scandal or scruple by others of his inspired brethren? Seriously, does he account the apostolical age of inferior attainments in religion? or conceive that the plan of Christian perfection was only partially disclosed by Christ and his apostles; and that it was reserved for the saints, the councils, and the



the doctors of his church to finish what they left unaccomplished? Whatever may be avowed, less than this can scarcely be inferred from their conduct and his arguments.

With such an inference the next assertion is perfectly consistent. 'The insinuation that a life of continency was above the power of man, was treated with the contempt which it deserved.' To this merited contempt then we are to consign the great apostle. 'But if they cannot contain let them marry, for it is better to marry than to burn.' 1 Cor. vii. 12. 'To the same contempt is to be consigned a greater than the apostle who declared on this very subject. 'All cannot receive this saying, save they to whom it is given.' But this spirit of jesting with the most serious things stops short at a point little removed from blasphemy. Bale was a Protestant, a bishop, and a married man, and of him we are told that it is *amusing* to hear the reasons assigned for his union with the faithful Dorothy. 'Scelestissimi Antichristi characterem illicò abrasi, & ne deinceps in aliquo essem tam detestabilis bestię creatura, uxorem accepi Dorotheam fidelem, divinę huic voci auscultans, qui se non continet nubat.' Mr. Lingard is a priest, and we would in charity believe a Christian; but what Christian ever turned into derision a literal and conscientious act of obedience to the precept of an apostle?

The most pleasing, or rather the least displeasing part of the work, is an account of the monastic institute. On this subject every Catholic writer dwells with an enthusiasm for which we are at a loss to account. The prevalence of religion, as it affects the character of families, or larger communities, is a delightful topic to the ecclesiastical historian. But to these men the precepts of the gospel appear to be weakened in proportion as they expand, to gain in force whatever they receive by contraction. In the history of mankind it is matter of experience that every attempt to divert the natural channel of the passions is mischievous: either they will have their own course, or they will bear every impediment before them while they force another for themselves. It is the business of genuine religion therefore, as the founders of Christianity well knew, to check and controul, but never to divert; to exalt, but not to attempt the suppression of these great springs of human action. The founders of the monastic institute, however, would be wiser than their masters. They laboured to produce a race of beings more than men, and they succeeded in producing one which was less. The first disciples of Anthony and Pachomius were self-degraded, stupid, groveling, illiterate fanatics, no more resembling the patient and manly sufferers for the Christian cause in the first three centuries, than the bungling productions of barbarous imitation resemble the fairest and most

perfect works of nature. For the conduct of these men (less vicious indeed than could have been expected) we have no apology to offer but the perversity of their rule: yet even the profligacy of later ages was more tolerable than the phrenzy and spiritual arrogance of the first. In the same proportion with which they have approximated to the world, they have resumed the human character; and with the exception just now hinted at, there never was less reason to complain of the monastic character than when it was most calumniated—when it had most widely deflected from its original and horrid austerity.

The following quotation, which we offer as a very favourable specimen of our author's manner, will exhibit a very different view of the subject.

‘It is at the commencement of religious societies that their fervour is generally the most active. The Anglo-Saxon monks of the seventh century were men who had abandoned the world from the purest motives: they had embraced a life, in appearance at least, irksome and uninviting. Their devotions were long, their fasts frequent, their diet coarse and scanty. For more than a century wine and beer were in the monastery of Lindisfarne excluded from the beverage of the monks, and the first mitigation of this severity was in favour of Ceolwulf, a royal novice.’

Again—

‘During the three first centuries of the christian era, the more fervent among the followers of the gospel were distinguished by the name of Ascetes. They renounced all distracting employments, divided their time between the public worship and their private devotions, and endeavoured, by the assiduous practice of every virtue, to attain that sublime perfection which is delineated in the sacred writings. As long as the imperial throne was occupied by Pagan princes, the fear of persecution concurred with the sense of duty to invigorate their efforts, but when the sceptre had been transferred to the hands of Constantine and his successors, the austerity of the Christian character was insensibly relaxed, the influence of prosperity and dissipation prevailed over the severer maxims of the gospel, &c. The alarming change was observed and lamented by the most fervent of the faithful, who determined to retire from a scene so hateful to their zeal, and so dangerous to their virtue; and the vast and barren deserts of Thebais were soon covered with crowds of Anachorets, who under the guidance of the saints, Anthony and Pachomius, earned their scanty meals by the sweat of their brows, and by a constant repetition of prayers and fasts, edified and astonished their less fervent brethren. Such was the origin of the monastic institution.’

We have already said that the present work is properly and purely controversial. To trace the writer through all his doublings, and examine the justice of his attacks on Protestant divines and

and historians, would require a volume. One article, however, we must select, not only on account of its own importance, but of the peculiar sophistry with which it is treated by Mr. Lingard. The doctrine of the Real Presence, in opposition to an host of Protestants, he boldly maintains to have been held by the Saxon church. Here again we are compelled to assert our perfect indifference to the matter in controversy, farther than as a subject of speculation. Englishmen in the nineteenth century will scarcely lend their understandings to the cloudy metaphysics of Paschasius Radbert, Hincmar, Alcuin and Rabanus Maurus. But it is the triumph of the church of Rome to have acquired an empire over the understandings of men, which has compelled them to receive as an article of faith, a proposition that confounds all our ideas of identity, and establishes a test of faith contrary to that of every other miracle.—‘The Saxons,’ we are told, ‘had been taught to despise the doubtful testimony of the senses, and listen to the more certain assurance of the inspired writings.’ Doubtful testimony of the senses! Every miracle wrought by Christ, by his apostles, and by the prophets before them, appealed directly to the senses, and to the senses alone. Had our Saviour, in his first miracle, conducted himself, as the church of Rome supposes him to have done in his last—had he said to the guests at Cana, Your wine is exhausted, but these water-pots contain a supply of more; it retains, indeed, all the accidents of water, wine nevertheless it is, drunk and be exhilarated; or when he undertook to feed the fainting multitudes in the desert, had he taken up a clod, and dividing it to those around him, said, this is bread and this is fish; it retains indeed the accidents of earth, but eat, and ye shall be filled—what, we may ask, would such a mockery have produced? In one of these miracles the conversion, in the other the multiplication of matter was perceptible, and could not fail to be perceived. Without this external transformation, the miracle of Bolsena itself would not suffice to render it credible. That a substance retaining the whiteness, friability, and other secondary qualities of bread, should by the pronounciation of a few words become flesh, is no more possible in the nature of things than that a similar process should alter the relations of number or time. But ‘the testimony of the senses is doubtful.’ What then is certain? And how, but through the medium of the senses do we arrive at the evidence of Scripture itself? If it be uncertain whether substances offered to our taste, smell and touch, and by them reported to be bread and wine, may nevertheless be a living body of flesh and blood, it must at least be equally dubious whether the book, which relates the institution of the Holy Communion be a non-entity, whether the evidences of Christianity be not an illusion, whether in short all human testi-

mony be not fable. Greater triumph a Protestant can scarcely enjoy, than to find that the fundamental doctrine of Popery can be defended on no other principle than one which leads to universal scepticism.

The History of transubstantiation, and the differences among the learned of his own communion concerning it are stated by our historian in a clear and masterly manner. In this, beside his principal purpose, of which he never permits himself to lose sight, he appears to have had in view two subordinate objects—The first, to rescue Aelfric from the charge of symbolizing in this article with the Protestants; the second, to gratify his own spleen by committing Archbishop Secker and Bishop Porteus with each other. In neither of these has he succeeded. When Aelfric affirms that ‘the sacramental elements are in their own kind corruptible bread and corruptible wine, but, after the divine word, truly Christ’s body and blood, not indeed in a bodily, but in a ghostly manner’—that ‘certainly Christ’s body which suffered and arose from death dies now no more, but is eternal and impassible’ (what then becomes of the sacrifice of the mass?) ‘that the husel is temporal and corruptible, is dealt into pieces, chewed between the teeth, and sent into the stomach’—our author exclaims, how such language as this would sound from a Protestant pulpit, I presume not to determine. We will take upon ourselves to inform him, that it would be in perfect unison with it. With reason then has this archbishop, for such he was, been challenged by our best theological antiquaries in the article of the real presence, as decidedly protestant; and with reason too does Mr. Lingard, though feebly and ineffectually, make another effort to represent the age of Aelfric as comparatively barbarous. But the Danish invasions, if they diminished the learning of the ecclesiastics, had not clouded their intellects, nor enslaved them to system; for in clearness of ratiocination and manly freedom of thought, Aelfric appears to have surpassed the metaphysicians of his own age, and the two preceding, both here and on the continent.

Catholics, from the time of Bossuet, have dwelt with peculiar satisfaction on the ‘variations of the Proestant churches’ and their professors. Mr. Lingard eagerly adds his little item. ‘After an attentive perusal (he says) of Archbishop Secker’s thirty-six Lectures, I have only learnt, that the unworthy communicant receives what Christ has called his body and blood, that is, the signs of them; but that the worthy communicant eats his flesh and drinks his blood, because Christ is present in his soul, becoming by the inward virtue of his spirit its food and sustenance.’ If the reader wishes for more information on this subject, he may consult Bishop Porteus. He ‘believes Christ’s body and blood

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to be verily and indeed taken and received by the faithful in the Lord's Supper, that is, an union with him to be not only represented, but really and effectually communicated to the worthy receiver.' 'If these right reverend divines,' he petulantly adds, 'have clear ideas on this subject, it must, I think, be confessed that they also possess the art of clothing them in obscure language.' We shall make no such admission. It was the peculiar merit of Archbishop Secker to have conveyed the profound and frequently obscure ideas of Bishop Butler, in the clearest and most intelligible style; and as to Bishop Porteus, we may appeal to the recollection of thousands, who are yet mourning his departure, whether his conceptions were not always luminous, and his power of expression such as required no second reflection to comprehend it. Neither is there any inconsistency in these two statements, but an inconsistency intended by both, namely, with the Church of Rome. On the principle of transubstantiation, the real body and blood of the Redeemer must equally be received by the believer and the infidel. But these great prelates evidently meant that in the communion the body and blood were (not really but) spiritually received by the true believer, and by him alone. At the first institution of this ordinance, the apostles themselves could not have conceived that any thing more was intended. At that moment their master was eating, drinking, and speaking before them, and when they had received from him the sacred elements, accompanied with the words in question, nothing short of insanity could have persuaded them that they were eating that identical person, who, when the ceremony was ended, remained entire and unchanged in their sight.

Such are the principles, and such are a few of the misrepresentations of the work before us. To have noticed the whole, we must have stopped at every page. With respect to the composition, though the author is a mannerist, and a copyer of Gibbon, yet he is no servile copyer. He has simplified the style of the *Decline and Fall of the Roman Empire*. His knowledge of the Saxon language, though he has not always used it fairly, is very considerable, and the industry of his research into original authorities, is greatly to be commended.

We have now done with Mr. Lingard, but not wholly with the subject.

The proselyting spirit of the Church of Rome is now employed amongst us with a zeal and activity which meet with little counteraction but from the good sense and general information of the age. At the same time the bulky volumes of controversy which load the shelves of our public libraries, are become harmless on the one side and useless on the other. But well written, compact and tangible

tangible volumes, like the present, are capable of no little mischief. The real merits of the question are comprehended by few; and he who is understood to have proved, that, in the first centuries of the Saxon æra, the doctrines and discipline of our national church were, with few exceptions, those of Rome, will also be understood to have, at least, authority and antiquity on his side. Meanwhile the unwary and uninformed will fail to perceive, that there is, properly speaking, no authority where there is no inspiration, and that while the Catholic refers to the dark ages, the religion of Protestants appeals to the authority of apostles, and to the antiquity of the first century.

While we are thus assailed from without, it is foolish to be squabbling about metaphysical and often unintelligible points of doctrine among ourselves. Let us unite to repel that enemy against whom Luther and Calvin were united. For this purpose some short, clear and popular refutation of the errors of the church of Rome would have great effect. Of this kind we have nothing at present. The old version of Jewell's apology would not be endured; and no man of taste or modesty would undertake to transmute into a modern translation the vigour and graces, the indignant declamation and heartfelt earnestness of the original. Both parties, we rejoice to say, have equal command of a free and unlicensed press; but in the mean time, we rejoice still more in the reflexion that the established clergy have the ear of nine-tenths of the people, and though they should ordinarily be employed on better things than 'routing Bellarmine and confounding Baronius,' yet clear and simple expositions of the scriptural principles of our own church, confronted with the errors and absurdities of Popery in places where the propagandists are at work, would be neither unseasonable nor ineffectual.

In the present circumstances of the country, we cannot suppress our apprehensions that the watchmen slumber while the city is threatened. Death has indeed recently deprived us of many able men; but a proper stimulus, we are convinced, might even yet bring forward others, with talents not inadequate to the task at which we hinted. Great emergencies produce great abilities; but in common prudence, something short of the actual establishment of a religion like that of Rome, ought to arouse us; and, while its ministers, after a concealment of more than two centuries, obtrude themselves on the public, and avow the wildest absurdities of the darkest ages, it surely concerns us to see that our countrymen are not deceived. The unread and almost unreadable volumes of our Reformers contain mines of precious materials, unwrought indeed, but capable of being moulded into symmetry and grace. Their qualifications were pertinacious industry and laborious accumula-

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tion: qualifications not then misplaced; for they had readers like themselves. If attention is now to be awakened, compression, brevity, arrangement, lively illustration, and elegance, will be necessary: such however are the attainments of the present race of scholars, that these attractions may be united with the utmost precision and severity of reasoning. To men of such powers we earnestly commend the catholic controversy.

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ART. V. *History of the Reformation in Scotland; with an Introductory Book and an Appendix.* By George Cooke, D. D. Minister of Laurence Kirk. 3 vols. 8vo. Edinburgh, Constable. London, Murray. 1811.

THAT Scotland has more abounded in valuable historians than any other country of equal extent is partly to be imputed to the spirit and intelligence of the people, and partly to the genius of liberty, which, during a period of three centuries, prompted them first to resist the aggressions of civil or ecclesiastical tyranny, and afterwards to record with truth and spirit their own exploits or those of their forefathers. But as in national struggles men of genius and research, whether from interest or principle, will always be found to range themselves on both sides, the hierarchy and the presbytery, the court and the commons, have had their respective advocates. In the first contest for the overthrow of popery, the fire and genius of Buchanan were opposed by the subtle sophistry of Lesley; and, at a later period, the calm and courtly Spottiswood was employed to counteract the rude and persevering, but sometimes justifiable, opposition of the presbytery to the restoration of the episcopal order. In one respect the historians of Scotland stand pre-eminent and alone. The rugged and unformed state of their native tongue at the most interesting period of their history, drove them to the adoption of a foreign idiom, while their superlative taste and talents, from imitating, gradually taught them to rival the great models of antiquity. The unfortunate Mary is calumniated by her powerful *detector* in language which would not have disgraced the accuser of Verres, while the regent Murray is recorded and deplored in a style, little inferior to that which has immortalized the elder Scipio. On the other side Lesley and Dempster, though far inferior to Buchanan, may be permitted to rank with Camden and Thuanus, the best contemporary writers of historical Latinity in the other countries of Europe. This talent did not expire in the reigns of Mary or the sixth James, nor was it born with them. Almost a century before, when the first effort was made in Scotland



land to improve the sterility of the ancient chronicle, Hector Boece produced a singular and not unpleasing medley, resembling the architecture of his age and country, where a Grecian column was sometimes employed to sustain a gothic canopy, while forms the most grotesque spouted out water from the tops of flying buttresses, and astonished the spectator by the contrast which they afforded to the truth of proportion exhibited beneath. The neglect into which historical Latinity has been permitted to fall in the present age, is neither creditable to the taste nor erudition of our countrymen; but where philological learning, excepting in one narrow department, is obviously on the decline, it is no matter of wonder that the oblivion which has overspread the great originals should have enveloped the copies. To the gradual disuse, however, of a foreign and ancient idiom may be imputed that high polish which the language of North Britain has received from Hume and Robertson, as well as the universal diffusion of intelligence on a most interesting and important subject, the history of their country, in a struggle which, with some temporary deviations, has moulded the form of its ecclesiastical constitution from that day to the present.

So well known indeed had that period become, such an unwearied topic was it of historical criticism and passionate controversy, and so deformed has it been, under the management of some later hands, by invective and scurrility, that the charm which had been thrown over the reformation in Scotland by the matchless powers of Robertson, had been well nigh dissipated, and delight converted into disgust. Under these impressions we opened the volumes before us. What! more last words of John Knox? More apologies for Mary, or more invectives against her? Yet, such exclamations might have been spared. It could not be denied that a work of another nature than had yet appeared was wanting on the subject. What prudent man ever placed implicit confidence in the rude railings of Knox, (if indeed they belong to him,) or the classical billingsgate of Buchanan? Lesley, in the very threshold of his mistress's reign, prudently cut short the thread of his story. Spottiswood, while he carefully relates the turbulent and pertinacious conduct of the kirk, is known to have suppressed the duplicity and tergiversation, the private cabals and correspondence of his master James with the Catholics, which excited all their jealousies. Robertson, who is now generally understood to be right in his leading facts, spared himself the trouble of much research by adopting the theory of Buchanan. But the object of this matchless writer was evidently to adorn his subject, rather than to clear the doubts or remove the difficulties with which it was incumbered: as a teacher of political morality, an elevation

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to which, from his ecclesiastical character and profound understanding, he might and ought to have aspired, the historian of Scotland is lamentably defective. His moral sense is abundantly cool; he seems to consider a certain portion of craft and dissimulation as an allowable and almost indispensable ingredient in the character of men of business: of manly simplicity he appears either to have been ignorant or careless; in short, when we recollect the school in which he was bred, the society with which he mingled, and even the nation to which he belonged, we are led to the irresistible conclusion, that Dr. Robertson was born a Jesuit.

Dr. Cooke, to whom it is now time to advert, is eminently gifted as a moral and political historian; his understanding is clear and discriminating, his researches have been ample, and his industry unwearied. It is impossible not to bestow a double portion of honour on the established clergy of Scotland, when we see them capable under so many disadvantages of producing such works as the present. The general extent of their parishes, their indefatigable exertions in public and private, and that very moderate provision which places few of them above the necessity of a very minute attention to their private concerns, might seem to leave little leisure and perhaps less inclination for elaborate and critical investigations. But to some minds, as well as bodies, change of labour is relaxation. One advantage, however, the minister of Laurence-kirk has enjoyed in the use of an ample parochial library, founded in his parish by a wealthy and liberal judge. But it is not the intellectual power displayed in this work which we are most inclined to applaud; in this respect, some of the author's predecessors in the same department have surpassed, and none perhaps have fallen greatly beneath him; but there shines in almost every page of the work, a purity, we had almost said, a sanctity of political principle, an impartiality which the prejudices of education and profession can scarcely be perceived to warp, together with a moral sense, originally warm and apprehensive, but improved to the highest degree of acuteness by cultivation and exercise. It is truly edifying to observe the dignity and independence of spirit with which a Presbyterian minister can expose and censure the duplicity occasionally displayed by the founders of his own church, can justify, if not applaud, the conduct of James V. in refusing, at the requirement of Henry VIII. to dissolve the monasteries of Scotland, can speak of episcopacy with respect, and maintain the cause of law and order against the first insurgents of his country in favour of the Reformation. All this, it is true, might have been done by a cool and crafty man on the popular principle of modern indifference; but Dr. Cooke is evidently a  
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man of feeling and conscience: with all the attachment to his own church and country, which becomes a patriot and a clergyman, he has little of the blind nationality of a Scotsman, and less of the old rigour and sourness of a 'minister.' If there exist in the whole work a vestige of partiality, (unobserved, we are persuaded, by the author himself,) it will be found, not in his representations of his own countrymen, but in his character of Calvin, and in his views of the conduct of Elizabeth.

The work commences with an introductory book, in which the author traces the successive usurpations of popery with a bold and indignant hand. On this subject a Scottish minister is never at a loss. But throughout this discourse we descry more or less of the powerful hand of Dr. Campbell, to whose school, as an ecclesiastical historian, the minister of Laurence-kirk evidently belongs. It was specifically on this account, that we selected the History of the Reformation in Scotland, and assigned to it a place in immediate opposition to the last article, in order to confront, to the flimsy sophistry, the misapplied erudition, the servile subjection of understanding, the malignant bigotry displayed in that wretched work, a plain and candid statement of the successive steps by which the Christian world was subdued under that enormous tyranny, and from which, by the blessing of Providence, one half of Europe was, as we hope and trust, finally emancipated from it. Useful, however, as this deduction is, we hesitate not to pronounce it, as specifically applied to the Reformation in Scotland, the least satisfactory portion of the whole work. This ground of complaint is more particularly applicable to the concluding part. Who knows not the last and most audacious corruptions of popery which took place under Leo X. ? the profligate exactions of Tetzels and Arcemboldi ? the integrity and intrepidity of Luther ? In *udo est Mænas et Attin*. But even here, whatever is original in our author's work is excellent. It is impossible not to applaud the force and clearness with which he exposes the sophistry of Mr. Hume on the doctrine of indulgences, and the flimsy apologies of Mr. Roscoe for the character of Leo. On the one he bestows an elaborate argument, on the other a slight, but effective stroke ; for he knew that he had to encounter two writers immeasurably distant from each other in point of intellect ; the poison of the former, though artificially concealed, being drastic and masculine ; while that of the latter, like some vegetable bane, is at once feeble and soporific.

Still however it might have been expected, from the active and inquisitive spirit of Dr. Cooke, that he would have narrowed his views to a point more immediately connected with the following work, that, antecedently to the introduction of the Scriptures or the

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the writings of the first reformers, and long before the preaching of Hamilton or Wishart, he would have traced, in the changing dispositions of the people, and in the mature depravity of the established religion; the predisposing causes of Reformation in his country. Providence, as he well knows, never employs its external instruments for the overthrow of ancient institutions, whether civil or ecclesiastical, till all is become unsound within. The Scots were always a noble people, bold, free, and, even before they became literate, intelligent and reflecting. Neither were they, like the inhabitants of the southern countries of Europe, either predisposed by voluptuousness and sloth to receive the yoke of popery, or rendered indifferent by gaiety and dissipation to the great interests of religion. The sombre character and complexion of their country had tintured the constitution of its natives. On the other hand, among a people so sagacious, in the dawn of light and knowledge, every generation would produce individuals competent to discover that religious establishments were constituted for the purposes of religious instruction, an end which the establishment of Scotland had long ceased to answer: that the successors of the apostles were become soldiers, sportsmen, courtiers, or, at best, lay-judges and magistrates; that the highest stations in the hierarchy were filled without regard to age or merit, by the natural children of the crown, or by the younger branches of the great families; that the benefices of ecclesiastics, which swallowed up almost one third part of the property of the kingdom, were wasted in habits of expense and riot, surpassing those of the great lay nobility; that the inferior and officiating clergy were scandalously ignorant, not of the Scriptures only, but of their own wretched formularies; that the few and infrequent instructions delivered from the pulpit and in their vernacular tongue, instead of being devoted to the momentous subjects of pure religion and morality, were wasted on the foolish and lying legends of saints; in short, that the whole of religion consisted in blind obedience to the mandates of a foreign priest, who, at his own good pleasure, adjusted the conditions of entrance into the kingdom of heaven.

Now, though much of this might with truth be affirmed of other nations during the same period, yet we conceive that, either from its remote situation, from the inordinate wealth of its ecclesiastical endowments, or some other cause, the hierarchy of Scotland, as distinct from that of the court of Rome, and we may perhaps in candour say, as uncurbed by it, had attained to a degree both of profligacy and despotism unknown in the rest of Europe. It had reached that ultimate point of moral depression, from which, in the ceaseless revolution of national character, and the natural tendency

dency of enormous evils to remedy themselves, it must begin to reascend. For this purpose a powerful assisting impulse was to be expected in the energetic character of the Scottish people, and this was in fact so violent, that for some time after the subversion of popery, the state of the national religion seemed to oscillate on either side of the point of exaltation, before it became stationary, we will not say how near this point, in a sober and rational establishment of presbytery.

With all our respect for Dr. Cooke, we cannot forbear expressing some degree of disappointment, that, with a perfect and critical knowledge of that period, aided by his own acute and philosophical understanding, instead of a general and far from original invective against the universal abuses of the church of Rome at this period, he had not employed himself in tracing more distinctly the steps of its downfall in his own country; the peculiar and characteristic marks of degeneracy which were daily becoming more conspicuous, the secret ways in which the clergy were providentially led to their own destruction, together with the correspondent changes in public opinion, the great stay by which ancient establishments are upheld, or the great engine by which they are subverted; so far as it was possible to retrieve them from contemporary and popular works. To us it is evident that in that age and the next the prelates and clergy of Scotland, though no contemptible politicians in other matters, with respect to their own peculiar situation, were perfectly 'dementated.' They stood as insensible to their real danger, as a fortress upon a rock already undermined and about to be blown up.

According to Dr. Cooke the period of the Reformation in Scotland extended from the appearance and preaching of Patrick Hamilton in 1528 to the year 1567, when the Protestant religion and Presbyterian discipline, after the most violent struggle which the most interesting of all causes could have produced, were finally established by the legislature. Lamentable, however, as such a protracted scene of violence and suffering must appear in the contemplation of humanity, it served at least to develope the character of the two parties and of the religions which they severally maintained with so much earnestness. In the dawn of the Reformation, all was violence on the one side, and patient suffering on the other. But the violence of the prelates was accompanied with an ignorance so brutal, a contempt of popular opinion and of common decency so revolting, that it contributed most powerfully to promote the cause which it unskilfully laboured to counteract; while the youth and modesty, the learning and eloquence of the principal sufferers, by exciting the pity and indignation of mankind, operated with no less effect in the same direction; so that the

the people of Scotland, who never wanted 'excitability,' were placed within the sphere and operation of two great moral powers, one as strongly repellent as the other was attractive. This gave birth to the stronger passions and more extensive combinations of the second period. Here also the old religion was blindly instrumental in its own destruction. The preachers, driven from the pulpits, took refuge with the great nobility, whose jealousy of the pride and influence of the bishops disposed them to listen to the new doctrines, and whose power within their own domains enabled them to condemn persecution. The people were thoroughly aroused by the imprudent and ill-timed cruelties of the clergy, while the diffusion of evangelical light darted, as appears, into this remote region, immediately from Luther, completely exposed the scene of craft and ignorance, of aggression and acquiescence, which, in defiance of the good sense and spirit of their ancestors, had long been passing in Scotland. There is a period in the conflict of human passions when it becomes a matter of the nicest and most delicate discussion, to determine whether ancient and existing authority is to be upheld by applying the strong hand of power, in order to crush the rising spirit of revolt, or by ingenuous acknowledgments of error, and well-timed dereliction of the most obnoxious points at issue, once more to conciliate the public opinion, and to disarm what it is become difficult to destroy. Beyond an undiscovered point, (for political calculations unhappily are not reducible to mathematical certainty,) the former conduct will recoil with destructive force on those who venture the experiment; while acknowledgment of error is accepted only as a confession of weakness, and concession opens the way to new and more unreasonable demands. The first of these experiments was, at this period, tried by the prelates; the second by the queen mother; (though with a degree of ill faith of which she had quickly cause to repent;) and both when it was too late.

In this delicate and difficult emergency, and one still more distressing which follows, it is impossible not to applaud the temperate and feeling hand with which our author touches the characters of two illustrious females, the mother and the daughter, both of whom eventually fell sacrifices to this great conflict. We say, both; for there seems as little doubt that Mary of Guise died of a broken heart as that her daughter expired on a scaffold. From the brutal revilings, and the still more indelicate and undeserved raillery of Knox on the character of the queen mother, every modern will turn with disgust; but if the candid inquirer wishes to be informed by clear and practical deductions from facts, at what point of oppression in matters of conscience resistance becomes justifiable, to what extent it may lawfully be pursued, and

how far retaliation in imposing similar restraints ever becomes admissible, he will scarcely find a better master (we do not speak of abstract and speculative works on the subject) than our author, in his equitable and well balanced judgment on the conduct of this princess and the lords of the congregation. On the behaviour of her daughter, in that horrible tragedy, the cause of all her future sufferings, Dr. Cooke has spoken with a tenderness and reserve, highly honourable to his feelings as a man and a Scotsman. Too upright wholly to suppress his own convictions on the subject, and too independent to be overborne by the spirit of romance and quixotism, which, at the distance of two centuries, has unaccountably seized upon certain of our countrymen as well as his own, he dexterously leaves those convictions to be inferred by the sagacity of his readers; few of whom, as we should suppose, will fail to conclude that whatever suspicions may or may not be entertained of Mary, as having directly participated in the murder of her husband, (and surely, if the evidence of her letters be discarded, the verbal assurances of a wretch like Bothwell, in his attempt to engage the assistance of Morton, can have little weight,) yet her indecent and precipitate marriage with the man who, after the mere mockery of a trial, and the absolute necessity of an acquittal, was known to herself to stand condemned in the judgment of nine-tenths of her people, constituted her nothing less than an accomplice after the fact. Yet the youth and beauty of this enchanting woman, her royal dignity, the prejudices of her education, and the peculiar difficulties which accompanied her return from the seat of pleasure and gaiety to a barbarous country, torn in pieces by exasperated factions, would soften, if not subdue, any spirit but that of political rancour; while the strong circumstantial evidence against her of two of the foulest crimes which can stain the female character, ought in common decency to qualify the language of panegyric, and even to abate the feelings of commiseration. The eagerness of the two parties has made them tediously circumstantial; every rag of evidence, local or chronological, which could be produced from musty records, by one or other of these patient yet passionate investigators, has been dragged to light, and such importance have the advocates on both sides attached to their respective causes, that they seemed to expect all other business to be suspended during this grand assize, and that the world should enter with the attention and industry of juries into details of contradictory evidence, relating to facts and dates of more than two centuries. In opposition to such unreasonable claimants, Dr. Cooke, while he writes with the feelings at once of a man and a moralist, never seems to forget that in an age when books are multiplied to a prodigious extent, brevity and compression are,



are, next to that integrity which he so eminently possesses, the first virtues of an historian, and that when the writer has once obtained credit for that great qualification, united with strong and discriminating sense, the reader will thankfully accept clear and brief results in the place of elaborate deduction.

But it is time to enable our readers to form their own opinion of the work before us.

'James V. who understood the principles of government, and had the most earnest desire to communicate to his subjects the blessings which result from it, did not abandon the scheme of his most enlightened predecessors. The rigorous bondage which the Earl of Angus so long imposed upon him increased his antipathy to aristocratical influence, and he no sooner had emancipated himself from it than he attempted to divide his nobles. He executed with the utmost steadiness the laws, which they had been accustomed to despise or disregard, and he treated them with a contempt, to which their proud spirits indignantly submitted. To strengthen his efforts he conciliated the other classes of the community. He ingratiated himself with the people by listening to their complaints; by shewing the most humane attention to their wants, and he attached to his interest, the clergy, the most wealthy and most powerful order of the state. He selected from them his confidential servants, conferred upon them the highest offices, and committed to their management the most important and delicate negotiations. They were indeed best qualified to assist him and to benefit their country. Ignorant and indifferent about religion, as too many of them were, (and) much cause as there was to lament the want of literature and science, which was conspicuous in them as a body: there were among them some of exalted genius,' (this is perhaps rather too much) 'and of eminent political talents: while the nobility, occupied with their feuds, or elated with their hereditary dignity, despised knowledge and all who attempted to acquire it.'

We are not quite disposed to acquiesce in this general censure of the nobility, whose prevalent feeling towards the more able and active ecclesiastics appears, at this period, to have been that of hatred rather than contempt.—But to proceed:

'Sadler's account of his negotiations with James exhibits in a very favourable light the acuteness and the steadiness of that monarch. When for the purpose of destroying his favourable opinion of the Cardinal, Sadler stated, that this prelate was desirous to engross the temporal, as well as the spiritual jurisdiction of the kingdom, and produced intercepted letters to Rome upon which the charge was founded, James replied, that the Cardinal had shewn him duplicates of those letters: adding, at the same time, with becoming dignity, that he would assert his right, and that his clergy, who well knew that he would do so, stood in proper awe of his authority. When he was urged to destroy the religious houses, and to take possession of their revenues, he answered, as a man of principle, thinking as he did, ought to have done,

that he looked upon such a step as a violation of religion; and that even upon the plea of expediency he had no cause to have recourse to it, because the clergy would readily contribute, when he stood in need of their contributions. When, agreeably to the injunctions of the exemplary Henry, Sadler urged, as a motive for the destruction of monasteries, the irregular and dissolute lives of the monks, the king answered, that if the institutions were in themselves proper, the abuse of them afforded no justification for invading them: but that he would rectify abuses when he had ascertained their existence.'

In order to estimate the native powers of mind, which dictated these replies, it must be remembered that the education of this young prince, who reasoned with the acuteness of a logician, and the precision of an enlightened casuist, had been almost wholly abandoned to buffoons and parasites.

The solitary faith of a noble hostage, when tempted by the bribe of freedom to betray his country, is painted in these glowing colours.

'It is delightful amidst such unworthy conduct to behold the dignity and the intrepidity of virtue. There was, for the honour of Scotland, one illustrious exception to the general resolution. The Earl of Cassels, the *guest of Cranmer*, thought with indignation of the treachery to which he was exhorted. His sense of honour, his affection for his two brothers, who had cheerfully gone to England to relieve him, led him at once to decide upon returning: he firmly declared that he should surrender himself to captivity, that no reward, and no danger would make him secure his own life by the sacrifice of theirs. This generosity of sentiment, which contrast with the baseness of the other lords renders more conspicuous, made a suitable impression upon Henry, and he nobly gave liberty both to Cassels and his hostages.'

On the base surrender of Wishart to Cardinal Beaton, our author animadverts in a strain of becoming indignation, which at the same time does justice to the purer morality of the present age.

'I am willing to believe, that notwithstanding the too general prevalence of corruption in the present day, and the proverbial laxity of faith in which courtiers indulge, any man of rank, who should now violate such an obligation as that under which Bothwell *came*, would be universally execrated—would be banished from the society of all, who had not cast aside even the appearance of principle. That nobleman had to encounter no such ignominy. It does not appear that he was afterwards less regarded, at least upon this account than he had been before, and even the historians who record his baseness, have not stigmatized it with that decisiveness of moral disapprobation which they ought to have displayed.'

Never was a reprehension uttered with more authority or better grace: for the decisiveness of moral censure (we use the word in its

its proper sense) is with our author a matter of sacred obligation, and never omitted or misapplied.

The deep impression which the levity or buffoonery of Knox, in relating the murder of Beaton, and other events, appears to have made upon his mind, leads us to regret that he did not enter into a critical investigation, in order to prove or disprove the authenticity of that extraordinary work. It is certain that it was left by Knox in an unfinished state, and arranged and digested by his secretary, with some assistance from the Kirk, about the year 1572. But judging from internal evidence, and particularly from the force and originality of the most objectionable parts, it would require proofs more convincing than now exist, that his text has been interpolated, and his memory injured by the impertinence and scurrility of an editor. Spottiswood, indeed, whose gratuitous kindness to the father of presbytery in his country is more candid than convincing, doubts the general authenticity of the history ascribed to Knox, because it records facts which took place after the death of the reputed writer. The Archbishop of St. Andrews, however, might have recollected that the death of Moses is recorded at the close of the Pentateuch; yet he would scarcely impute those sacred books to any other than the great Jewish legislator.

On the assumption of the ministerial office by Knox, we cite with pleasure the following reflections.

‘Whatever ideas may be entertained of the necessity of episcopal ordination, *a mode which viewed as a regulation of order has many advantages*, and which does not stand in need of the doubtful and disputed support given to it by those who defend it as of divine institution, and as essential to the very existence of a Christian church, a more serious and affecting designation to the ministry than the one which has been recorded cannot be conceived; and he must surely attach to the ceremonial part of Religion a value which does not belong to it, who can have any scruple in recognizing Knox as a minister of Christ.’

Less than this could not be said in defence of an establishment to which the writer belonged, and more in those days needed not to be said for the conviction of any rational and unprejudiced mind. When the terms of communion with a corrupted church are become actually sinful, we are required, by the highest authority, to ‘come out of her, that we partake not of her plagues:’ if in so doing, (as was the peculiar happiness of the church of England,) we can carry along with us a portion of the old ministry, purged from their errors, and enlightened in their views, it is certainly a very high privilege; if otherwise, as no church can subsist without a ministry, necessity is an ample plea for the establishment of a new order of public teachers. Such was the conduct of Peter Waldo,

and such that of Knox. Let it, however, be remembered, that the necessity must be real and cogent, and that this plea affords no countenance to the pride, the levity, the conceit and the caprice which are at the bottom of almost all modern separations, and that, perhaps, as much from our author's church as of our own.

On the demolition of the religious houses in the first phrenzy of the congregation, our author has thus dexterously steered between the Scylla and Charybdis of modern taste and Presbyterian prejudice.

'That it is desirable that the magnificent fabrics which our ancestors devoted to the solemnization of the rites of religion had been preserved, no one can for a moment doubt. Who that has contemplated them with the feelings which such objects are in every susceptible breast calculated to excite, does not trace with regret the mouldering fragments of edifices, the extent and sublimity of which history might have delighted to record? But we must not yield so far to these impressions as to be averse to examine into the merit which belongs to the very men by whom the buildings were overturned. Had the people of Scotland been indifferent about their religious opinions, or coldly attached to them, had they not been elevated by that zeal, which looked with abhorrence on the pageantry of the old superstition, they would have purchased the ease and security which all men so dearly value, by conforming to the church, or by secretly cherishing their tenets, which would then have quietly perished; and had the decaying foundation of the church been strengthened or renewed, ages might have elapsed before civil and religious liberty had been the inheritance to our country; we might even now have with amazement or with envy, beheld amongst other nations the admirable form of government by which we are protected, we might yet have been obliged to excite the spirit, the woundings of which have been so keenly and so injudiciously eprobated.'

'Before then Knox and his adherents be branded as intemperate zealots, and while we read the accounts which have been given, and those which must yet be recorded of wasted churches and ruined monasteries, let us moderate our lamentations by reflecting that this was a price, however high in the estimation of taste and sentiment, which we cannot scruple to have paid for those rights, &c.'

On the right of resistance in subjects, our historian's reflections, drawn forth by the conduct of the congregation in depriving the queen Regent of her authority, are cautious and profound.

'Here,' (that is, in the opinion deliberately pronounced by Willock on this delicate subject,) 'the doctrine of resistance is plainly avowed and as plainly defended: a doctrine theoretically true; resting upon the most obvious dictates of reason, yet the application of which to existing governments is at all times hazardous. No question can be conceived more hazardous than whether in any particular instance there subsists that severity of oppression, the removal of which can by no  
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evils be too dearly purchased. Were man uniformly guided, as he flatters himself that he is, by reason and truth, the question might with the utmost safety be freely discussed, and the proper answer to it steadily and unceasingly inculcated. But he does not come calmly to the decision; his judgment is in much danger of being biassed by the feelings which imaginary or real despotism had excited, and what still more disqualifies him for such a discussion, his passions, his pride, his self-love, his anxiety to shew his power, are generally called into action. Although then in the present state of human nature almost every attempt to carry the doctrine of resistance into execution, is, as experience has too strongly illustrated, to be avoided; although it should be stated with the utmost caution, yet it ought never to be forgotten that it is true; the knowledge of its truth cannot fail to exert a most salutary influence upon the minds of rulers; and there are extreme cases when even the most strenuous advocate of passive obedience must revolt from his principle, there is a degree of tyranny to which the human race ought never to submit.

Seldom has the native propensity of a Scotchman to resist established authority, been checked by casuistry so discreet and distinguishing as this.

One citation more and we have done.

‘The Dissentions of the protestants strongly influenced the political principles, the manners, and the general sentiments of the inhabitants of Scotland. Indeed the important events, which soon marked the history of that country, (and) its intercourse with England after both were placed under the same sovereign, cannot be fully explained or understood without adverting to these dissentions. To trace their nature and effects afford entertaining and instructive matter for another work, which as a supplement to this history, the author, if his book be honoured with public approbation, and if his other duties afford him leisure, may at some future period undertake.’

That such approbation will not be withheld, we owe it to the principles and to the intelligence of the best part of our countrymen not to doubt; and could our suffrage contribute in any degree to fortify the author in his purpose, we should scarcely hesitate to say, that sincerely as we love the ecclesiastical establishment of our own country, we would for once willingly trust in presbyterian hands, the fate and fortunes of episcopacy in Scotland from the close of the present work to its final extinction at the Revolution. We trust, however, and believe, that he who has freely censured the errors of the congregation, will feel no partiality for the cant and hypocrisy of the covenanters, and that he who has treated the character of Mary with a delicacy and forbearance so honourable to his feelings, will tread lightly on the ashes of her more innocent and accomplished grandson. For the political depravity of the last two Stuarts, as sovereigns of Scotland, and for the tyranny and

profligacy of their ministers, as well as the general servility and insolence of their prelates, we crave no indulgence. Their breaches of faith; their persecuting spirit; their military executions; their contempt of law and decency, will afford abundant scope to his powerful pen. There were, however, among the enemies of his own order and discipline at that time, many splendid exceptions; and we persuade ourselves that they will not be overlooked by his candour and discrimination.

With respect to the portion of the work now completed, it has invested, with the sober charms of truth, an era already adorned by all the elegances of a dead and a living language, by narrative and by song. To a parity with such writers, though his style is vigorous and spirited, the writer must not aspire; but his praise is of a better and an higher sort: to apply the words of an old historian who had much of the same love of truth and virtue with himself, *ὅτι ὡς ποιεῖται ὑμνηκασί περὶ αὐτῶν ἐπὶ τὸ μείζον κοσμητικῆς—ὅτι ὡς λογιγραφεὶ ξυνιδεσθαι ἐπὶ τὸ προσαγαγῆναι τῇ ἀκροατῇ ἢ ἀναγνῶσκειν*: he has brought every action of every person and party within his grasp to the test; he has made it his business not to amuse but to inform; and to inculcate by example, the great outlines of human duty under the difficult and ever changing circumstances of political combination. In one word, so far as public virtue and public happiness are connected, (and both they and their contraries are inseparable,) the man who undertakes to write history on these principles, and, with ability adequate to the task, never loses sight of his object, is to be hailed by the wise and good of every denomination, not as a teacher only, but as a benefactor and friend of mankind.

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ART. VI. — *Voyages dans la Peninsule Occidentale de l'Inde, et dans l'Ile de Ceylan.* Par M. I. Haafner, traduits du Hollandois, par M. I. Paris, 1812. 2 tom. 8vo.

THE world has been apt to associate the physical character of the Dutchman with that of the cold-blooded tribe of animals. No symptoms however of torpidity are apparent in the production of the 'lively turtle' before us; on the contrary, there is every indication that his animal spirits circled with as much freedom and rapidity through their proper channels as is common to the genus at large.

We pretend not to know the precise degree of vitality which he originally exhibited at Amsterdam; but his present appearance at Paris has a briskness about it which is not unamusing. To drop the metaphor at once, we more than suspect that in passing through the

the French press, the work has undergone some of those changes, which, as we have had more than one occasion to notice, invariably take place in a greater or less degree in every book which falls under the ever meddling and splenetic censorship of Buonaparte.

The predominant feature of these volumes is a rancorous and malignant antipathy to our countrymen, whose character and conduct in their commerce with the East, are the theme of invective in every page. With a few exceptions, however, it is that declamatory kind of abuse which is so easy to be brought forward, and so difficult to disprove. Where the author or translator ventures to descend to particulars he is easily refuted.

It is not assuredly the inclination, it cannot possibly be the interest, either of the government or of individuals in India, to oppress the natives: so much indeed is the contrary the case, that there prevails a very general and anxious wish to mitigate and remove as far as possible, the accumulated evils which have sprung from the worst of all governments, a superstitious hierarchy. The baneful influence of this powerful agency over the weakest and most ignorant of mankind has insinuated itself into the minutest concerns of domestic life; it accompanies every act, and pervades every wish and every want. It cannot be an easy task to ameliorate the condition of sixty millions of people thus circumstanced, nor will it reasonably be expected to be the work of a day; many promising experiments may be tried in vain, others may partially succeed, and others again be productive of mischief where good was intended. On the whole, however, we run little risk of contradiction in affirming, that the condition of the native Hindoo is gradually and progressively improving under the British government of India; which, though not perhaps the best that might be adopted, either for the benefit of the natives or the advantage of this country, is superior in every respect to any of the ancient Hindoo governments, or the modern despotism of Mahomedan invaders.

It has been held that the critic, in examining the works of an author, has no business with his character. We cannot subscribe to the full extent of this doctrine. A moral essay, or a literary and metaphysical disquisition will, it is true, be equally valuable, whether we are acquainted with the character of the author or not; works of this kind bring with them an intrinsic test of their worth, and we require no more: but there are others whose merit must chiefly depend on the character and capacity of the author; such as the narrative of travels into countries little known, the relation of wonderful adventures, and the description of extraordinary objects of art and nature; in short, every production



production in which the truth or falsehood of what is advanced, cannot be determined from evidence furnished by the work itself.

For these reasons we find ourselves obliged to make somewhat free with Jacob Haafner;—the necessity is still farther apparent from an expression of the French translator, borrowed from a German journal of some reputation, that these travels appear ‘un peu romanesques,’ ‘a little inclined to the marvellous,’—notwithstanding the assurance of the author, that what he says ‘ought not to be regarded as the fruits of imagination, but as real events.’ These ‘real events’ have, in fact, been bandied about, for these thirty years, in all the languages of Europe, and are here repeated in so confused and inaccurate a manner, that the misrepresentation of them is apparent at the first glance.

Jacob Haafner, the French biographer says, was the son of an apothecary at Halle; but himself tells us, and he ought to know best, that he was born at Colmar, in Upper Alsace. At eleven years of age he embarked with his father for Batavia. On the passage the father was attacked with a fever, which put an end to his life just as they approached the Cape. The seaman who attended him in his illness, contrived to rob him of a bag of money and other valuable effects, which, strange as it may appear, under so rigorous and despotic a government as that of a Dutch Indiaman, could never be recovered: what is still stranger, this youth, whose father had been appointed ‘*medecin en chef*,’ could not find one friend to take him by the hand, and prevent his vagabondizing for seven years (his biographer says twelve) over the Indian seas. It was scarcely to be expected that, in the situation of cabin-boy to a Dutch hooker, manned with Malays and Lascars, a boy of eleven years of age should improve much in his education; but Haafner was a prodigy. His brutal captain, it seems, had flogged two Lascars, in so dreadful a manner that they died, and he drew up a *procès-verbal* against him in so powerful and affecting a style, that the fiscal of Negapatnam was struck with it, and immediately appointed the writer to a clerkship in the factory. This situation was not exactly suited to a person of Haafner’s aspiring genius; copying at a desk, with a small salary, and no perquisites, held out but little prospect of accomplishing what his whole mind appears to have been bent upon, making a fortune. He tells us indeed very candidly that the two words *faire fortune* have caused the ruin of the Dutch company, that they will lead to the destruction of all other companies, and that they carry with them the devastation and depopulation of whole kingdoms: and he adds that, of ten persons returning to Europe, nine may be set down as having ‘made their fortunes’ by the most infamous means. The honourable exception of the tenth man is of course reserved for Jacob Haafner.

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It happened (rather oddly, in so large a settlement as Negapatnam) that there was but one man 'who could post up the journal into the ledger,' and he was too surly to give Haafner any information on the subject. In the course of eighteen months, however, by genius and perseverance, he made himself master of the whole mystery of book-keeping; on which occasion he breaks out into a sublime apostrophe to the powers of the human mind in subduing the difficulties of the multiplication table!—He seems not, however, to have acquired much reputation at Negapatnam; he quarrelled, very justly, if he speaks truth, with his master, and was dismissed very unjustly by the governor. What was now to be done? He had heard that, among the English, nothing was more easy for a prudent man than *de faire fortune*—but he was unacquainted with the language: an English deserter was fortunately serving in the garrison; by his assistance he soon mastered it, and his success at Madras was no longer doubtful. How often did his imagination paint his return to his family loaded with wealth! how often did he devoutly express a wish to find them miserably poor, for the sole satisfaction of having it in his power to make them rich! Just, however, as he was setting out on his journey, one of his countrymen, less sanguine than the rest, awakened him from his golden dreams, pointed out the wickedness as well as the folly of deserting his country, and offered him the situation of book-keeper at the small settlement of Sadras. To Sadras, therefore, he went. Subsequent events at this place, laid the foundation of that deadly antipathy which every page of his book breathes against the English name in India.

'Our tranquillity,' he says, 'was not of long duration; an enemy, not less vindictive and cruel than Hyder Ali, (who had previously disturbed his repose,) and infinitely more perfidious, came upon us by surprize, just as an assassin attacks the peaceable traveller in a forest;' and he adds, in a note, 'the Machiavelian and abominable system practised by the English, of making war upon their neighbours without previous notice, can only be attributed to their cowardice and rapacity.'

'This event,' continues he, 'took place on the 17th June, 1781, about four o'clock in the afternoon. M. de Neys, the chief of Sadras, had invited us to dinner, and we were still at table, when the serjeant of the guard entered the hall, and informed M. de Neys that an English officer, carrying a white handkerchief at the end of a walking stick, asked to speak with him. No one at that moment paid any regard to the white handkerchief. "The more the merrier," replied M. de Neys, "let him come in; he shall drink with us to the prosperity of Sadras."

This

This officer, it seems, came from the head quarters at Chingleput, to summon the fort; he was, no doubt, an unwelcome visitor; but M. de Neys at least must have been prepared for him. We cannot state the day on which it was summoned, as the Gazette is silent on the surrender of this unimportant place; but it most assuredly was not on the 17th of June. Lord Macartney carried out, in the Swallow packet, intelligence of the war between Great Britain and Holland, and he did not arrive until the 21st of June. He certainly lost no time in acting upon his instructions, which were to seize every Dutch ship and factory within his reach. These factories, in the midst of peace and professed friendship, were, in fact, affording money, clothing, and ammunition to Hyder Ali, and were at the same time so many vents for his plunder. Neither can it be true that M. de Neys was taken by surprize, as, before the arrival of the Swallow, a French frigate had carried intelligence of the war to every Dutch settlement on the coast of Coromandel, and given them sufficient notice to put themselves into a posture of defence. The dinner scene, therefore, and all that follows it, respecting the violation of the articles of capitulation, must fall under those portions of Jacob Haafner's book, which his sagacious countrymen have set down as 'un peu romanesque.'

We are not much surprised to find an accusation against the governor of Negapatnam, for having sold that settlement, nay made a present of it, to the English: but it was the same governor, unfortunately, who had dismissed him from the Company's service. He observes farther, that selling or giving forts is a common practice with the Dutch. We have heard indeed of a Dutch governor selling gunpowder to the enemy that was besieging him, but we are quite sure that there was no treachery in the surrender of Negapatnam. On the 21st of October it was invested by more than 4000 men. On the 30th the lines and redoubts were carried, and on the 12th of November, the town and fort surrendered by capitulation, after making two vigorous and desperate sallies.

The irruption of Hyder Ali into the Carnatic, and the flight of its wretched inhabitants to Madras, created that dreadful famine, of which hundreds perished daily in the streets. The sufferings of the settlement were aggravated by a tremendous storm, which destroyed the rice ships, that had been collected with infinite pains, by the government. This melancholy event furnishes a noble subject for the venomous pen of the Dutchman.

The famine at Madras, he says, 'was created upon the same principle as that which desolated Bengal, where three millions of souls perished, to satisfy the insatiable avarice of a company of monopolizers, with the execrable Clive at their head.' He asserts that

that the delay in discharging the cargoes of rice from the vessels in Madras roads, had no other object than that of raising the price of grain and other provisions, with which the magazines were already abundantly supplied; that the storm which destroyed them, took place on the 2d of October, 1782, after infallible signs of its terrible approach had been announced to all the world for eight days; that if Mr. Willoughby had been governor, instead of the cruel Macartney, (the same Macartney he observes, who went ambassador to China, from whence, God be praised, he returned without doing anything,) it is certain that not a soul would have perished of hunger; that while the streets of Madras were crowded with the dead and the dying, the English shewed not the least compassion in passing through the midst of these victims of their infernal system; that they carried their barbarity so far as to drive more than 2000 of these wretches beyond the walls of the city, where they remained three days, stretching their feeble arms towards Madras, to implore the pity of their oppressors; that this dreadful spectacle was regarded by the English with the most revolting insensibility;—with much more of a similar kind, repeated over and over, and constantly followed by the most abusive and opprobrious mention of the British name.

It is almost unnecessary for us to say, that the whole of this statement is unfounded. In the first place it is false, that the storm happened on the 2d of October; it is equally false that its approach was announced eight days before, or indeed at all. It took place on the 15th of October, and was so little expected, that all the small craft, and the boats of the squadron of Sir Edward Hughes, were employed the whole morning of that day, in carrying provisions and water to the ships; which were so unprepared for it, that they were obliged to slip their cables and put to sea. It is too absurd to suppose for a moment, that 'the delay of landing the grain was in the expectation of a storm;' and it is a malevolent falsehood to say that the warehouses were full of grain. The select committee observe, in their letter to Sir Edward Hughes, 'that the rice then at the Presidency did not exceed thirty thousand bags; that the quantity afloat in the roads was about as much more; that the monthly consumption was, at the least, fifty thousand bags.' And they farther observe, 'that the number of boats required for the daily service of his squadron, had, in a great measure, deprived them of the means of landing the grain from the vessels in the road.' The calumny vented against Lord Macartney is scarcely deserving of notice. The committee abovementioned observe, 'that the government had the melancholy truth before it, that no human effort could prevent the sale, which the certain and immediate prospect of famine presented to the miserable

serable inhabitants of the settlement. With regard to Lord Macartney individually, he was the first to set the example of sending away every servant of every description, that was not absolutely necessary to be kept; and we can tell this calumniator, from our own knowledge, that the humanity of the government and of individuals was constant and unremitting, in devising means for mitigating the calamity; and that nourishment was daily distributed to many thousands, under the walls of Madras. It is totally false that 2000 or any number were driven out of the town. On the contrary, a notice was published in various languages, that all who had not a sufficient stock of provisions on hand, and who *might choose voluntarily* to leave the town, would be supplied with a certain quantity of rice, and furnished with an escort to the provinces which had not suffered; in consequence of which, many thousands were saved.

But the accuracy of Jacob Haafner is at least equal to his honesty. He tells us that, on the taking of Sadras, (whither he went a beggar,) he carried away with him 120 pagodas; that the rest of his property consisted in 3000 pagodas in money and merchandise, of which he was plundered by the English; and 1000 pagodas which he had lent to M. de Neys, for the public service. How did he contrive to *realize* this sum? did he too oppress the poor Hindoos, after the manner of the English? This accumulation of property, however, is not the ground on which we mean to impeach his integrity. There is a little history respecting the 1000 pagodas lent to M. de Neys, which furnishes a pretty trait in the character of this conscientious Dutchman, for he appears exceedingly anxious throughout his narrative, to be esteemed 'an honourable man.'

The day after the signing of the articles of capitulation, de Neys apprised Haafner that he had taken out of the public treasury 10,000 pagodas, and that it would be necessary to make the books correspond. Haafner did not greatly relish the proposition, for if this violation of the terms should be discovered, it would expose him to the wrath of Captain Mackay, the English officer, of whom he appears to have entertained a sufficient dread. He advised the governor therefore to replace the money, giving him a hint at the same time concerning the repayment of his thousand pagodas. The governor observed it was too late, for that Captain Mackay had got the keys; and that if he did not use his best endeavours to extricate him from his embarrassment, he would not only not repay him the thousand pagodas, but also make known to the Company the little zeal which he had manifested for its interests; but that, if he would alter the books, he would not only repay him the thousand pagodas, and make him a handsome present; but

would

would also acquaint the directors with his merits in this ticklish affair. Haafner's integrity was not proof against so many temptations. 'The fear,' says he, 'of losing my money, the service I should render the Company in snatching a considerable sum from the greedy hands of the English, the hope of accelerating my advancement, and the dread of Mr. Mackay, &c. all these considerations determined me to give myself up to his wishes.' And he tells us that he managed this dangerous business of falsifying the books so well, that it was never discovered.

The farther we proceed in the narrative, the more we develope the real character of Jacob Haafner. His sensibility, he, says was too great to suffer him to remain at Madras, (where, by the way, he had been sent as a prisoner of war,) among the scenes of misery which he daily experienced. We can discover, however, another reason, for his quitting this place,—he had outstaid both his reputation and his money. On his arrival, he engaged himself as clerk to an English attorney; he then entered the service of M. de Souza, a Portuguese merchant, who broke his head, turned him out of his house, and sent him 100 pagodas as compensation money. These being nearly exhausted, and no farther supply offering, he was driven to the necessity of purchasing an open boat, so leaky as to be nearly filled with water when launched from the beach. In this crazy machine, at the height of the bad season, when not a vessel can venture to approach the coast, he put to sea with a view to reach Tranquebar, or some other place to the southward. A shot from Fort St. George brought him back, he was conducted as a spy to the government house, and recognized by Major Sydenham, whom he entreated to intercede in his behalf. The Major's representation, it seems, had the desired effect; for Lord Macartney, after some friendly admonitions respecting prisoners on their parole stealing away from a garrison town, allowed him to proceed—on condition however that he took charge of a packet of letters for Colonel Hamilton, at Tranquebar; a condition which he accepted with apparent satisfaction, and a solemn promise to execute faithfully. 'This paper then,' said Lord Macartney, 'contains an order to the Colonel to pay you one thousand pagodas, if you fulfil your mission;' and so saying, he shook him by the hand and wished him a good voyage.

Those who were acquainted with this wary statesman, who bestowed his confidence only where he knew it would not be abused; who remember the distant, but dignified deportment of this nobleman, who, with the apparent hauteur, possessed the real urbanity of the old school, will hesitate, with us, in believing that he would commit papers of any consequence to an enemy taken in the act of breaking his parole; or that he would descend to the familiarity

of



of shaking hands with a draggled Dutchman, just escaped from a leaky catamaran.

With the letters however he put off, landing at Sadras and other places, and experiencing many 'hair breadth escapes both by sea and land.' On the way, he began to debate with himself, whether he should deliver the letters to Colonel Hamilton; and the question proved so difficult to determine, that he was unable to close his eyes. The breach of promise was nothing; that was clearly counterbalanced by the service rendered to his country; the great conflict lay between the loss of the thousand pagodas, and the hatred he felt for the English, to whom the withholding of the letters would occasion an infinite deal of mischief. After a display of much true German sentimentality, he resolved finally to carry Lord Macartney's letters to Pondicherry, and give them up to the French Admiral Suffrein.

A great part of the first volume is occupied with this expedition, in which he introduces his amours with a girl of fifteen, the daughter of a Dutch serjeant, by a native woman. This 'amiable creature' had been betrothed to a young man whom business had called from Madras to Trucomalee; and Haafner, in his absence, contrived to seduce her affections. At Tranquebar he again met with her and her mother; indeed his expedition seems to have had no other object than that of following these women for a subsistence. Suspecting that Hyder Ali might pay them a visit, he proposed to go to Jaffnapatnam. The mother refused to accompany him, but delivered her daughter into his hands, to be conveyed to her betrothed husband: the girl, however, chose to remain with Haafner, who informs his readers that 'she abandoned herself to him entirely and unconditionally; not as his wife, but as his mistress, or as his slave, if he should not deem her worthy of the latter title.' A rhapsody in the finest stile of Kotzebue, brings him to Jaffnapatnam, with this charming girl, in whose company 'he forgot all his past misfortunes, all his resolutions, all his projects for the future, his country, and even his friends.' With her he determined to occupy a hut at Jaffnapatnam, from whence nothing but death should ever tear him. How he contrived to live here, without money and without employment, he does not condescend to inform us. We are equally at a loss to ascertain his continuance at this place; he is very sparing of dates, probably not without reason, for he has not been fortunate in the few which he has given. In order however to stamp a kind of authenticity on this adventurous voyage, he has hazarded one here, but with his usual success. 'It was,' says he, 'on *Tuesday* the 24th November, 1782, about 3 o'clock in the afternoon, that I embarked on board the *Chelings*.' Now Francis Moore, (and he is no mean authority,)



authority,) tells us, in his Almanack for 1782, that the 24th November of that year, fell on a *Sunday*. In short, we are quite satisfied that the whole of this Chelinga expedition, which occupies more than two thirds of the first volume, is neither more nor less than a downright fiction.

We find the author at the opening of the second volume, at Bimilipatnam on the coast of Orissa, preparing for a journey to the southward; and conclude, from some incidental circumstances, that not more than twelve months intervened between his sitting down for life at Jassnapatnam, and setting out on his journey from Bimilipatnam. Yet in this short period, all traces of his dear Anne (as he calls her) seem to have been wiped from his memory. Her place is now supplied with a Devadaschie, or Hindoo dancing girl, of the name of Mamia, of whom he is, if possible, more enamoured than he was of the 'adorable Anne.' His amours with this interesting Hindoo certainly form no disagreeable episode. To the sprightliness and activity of Le Vaillant's Narina, Mamia adds feeling and sentiment; her affection appears to have been pure and unshaken, and she lost her life to save that of her lover, who, in our opinion, was little deserving of such a sacrifice. The whole work indeed is written in the stile and manner of Le Vaillant's travels in southern Africa, and may probably contain about the same proportion of truth and fiction, as that amusing romance. This part of it would be read with considerable interest, were it not for the constant recurrence of the author's rancorous abuse of the English. His invectives are more violent, and his charges more unfounded if possible, in this, than in the first volume; and he frankly avows, that 'he is blinded by the hatred which he bears to those despots of India.' He consoles himself, however, with reflecting that their dominion cannot last longer than 50 years from the time of his writing. Yet with the exception of the fright into which he was thrown by Captain Mackay at Sadras, and a little rudeness which he experienced from a young officer who 'd—d the Dutch,' he appears to have had no personal reason to complain of them. On the contrary they seem to have been sufficiently ready to favor his supreme wish 'de faire fortune.' At a choultry near Mazulipatnam, he met with a Mr. Harclay, newly appointed governor of that place. In the course of their conversation, the indiscreet Englishman avowed that he had come out to recruit his finances; that his father, who was a member of parliament, and had ruined himself by play, would himself have come to India to pick up a few hundred thousand pounds, if his health had permitted; that he had been but eight months in India, when he was put in possession of one of the best things on that coast; that the governor of Madras (Lord Macartney) had assured

him that in less than five years he might make his fortune; that he had received a few instructions on this head; but, being equally ignorant of the language and customs of the natives, he would appoint him, (Haafner,) who seemed to understand both, deputy receiver of the revenues, if he would enter his service: Haafner refused this seducing offer, alleging that the wealth which he had already accumulated (in what manner, we are left to conjecture,) was sufficient to allow him to retire to his own country.

'No,' ejaculated he when this Mr. Harclay was gone, 'Heaven preserve me from such an employment! No, never can I become the oppressor of the inhabitants, who are frequently unable to pay the heavy taxes imposed upon them, and whose whole wealth consists in a miserable hut of straw, a mat which serves at the same time as a bed and a seat, two earthen vessels to prepare their food, a piece of cotton cloth to cover their nakedness, and a chest to hold the little property which they may possess. It was with a heart filled with grief and indignation, that I followed with my eyes this hungry vulture, who was about to occupy a situation, which ought to be honourable; for the sake only of fattening himself, after the example of Michalson his predecessor, with the sweat and blood of the miserable inhabitants of Mazulipatnam.'

In truth, Mr. Harclay was rightly served for bestowing his confidence at first sight upon a foreign vagabond. We hope that the East India Company dismissed him from their employ as soon as they were apprized of his folly, which we think must have been the case, as we do not find any such name upon their records. Seriously, the whole of this story is a ridiculous fable. In 1783 Mr. James Daniell was resident or chief at Mazulipatnam, and was succeeded by Mr. James Hodges in 1784. *Harclay* and his predecessor *Michalson*, therefore, are two fabricated names, which will pass on the continent, as well as any others, for those of two 'hungry vultures,' who made their fortunes by wringing from the 'hard hands' of the peasants of Mazulipatnam their 'vile trash, in the form of rupees and pagodas.'

In the course of this volume Mr. Hastings comes in for his proportion of abuse; and a whole chapter is dedicated to the 'seven and forty capital crimes with which he was charged, but of which both he and his counsel knew before hand that the judges would acquit him, provided he would make the sacrifice of a couple of hundred thousand pounds sterling! He was not only declared not guilty, but what is more, saw himself elevated to the peerage of England!"

It is amusing to witness the delight with which this kind-hearted Dutchman dwells on our disasters in India. He details with uncommon glee the unfortunate affair at Perambani, in which Colonel Bailey's detachment was defeated; and adds that if Hyder Ali and

Tippo

Tippo Saheb had managed rightly, the English would have been driven out of the country. 'What a blessing,' he exclaims, 'would this have been for humanity! what glory for the Nabob of Mysore!' But as both these worthies frustrated his expectations, he bursts out into a rapturous exclamation; 'Zemaun Shaw! Holkar! my hopes still live in you!' Hyder Ali is however his chief favourite; he calls him 'an ardent friend to the interests of humanity;' and affirms that 'he was, in every sense of the word, a great prince, and infinitely more deserving of that title than Alexander, Charles XII., and many others to whom adulation has prostituted it.' We had almost persuaded ourselves that Buonaparte was meant to be included among those 'many others,' until we observed, in the preface to the second volume, the following paragraph.

'The beloved monarch who now governs us, will take these people (the Hindoos) under his mighty protection. His well known justice and humanity will not permit them to be oppressed and trampled upon as they have hitherto been. He will prevent every kind of vexation, and his paternal goodness will extend itself to those Hindoos who are his subjects, with the same zeal which he manifests in restoring to Europe tranquillity and peace.'

It is lamentable, Jacob says, that the great Hyder Ali has not yet found a well-informed and faithful biographer; and he therefore undertakes to give a 'Notice Historique' on this 'father of his people,' every particle of which is ridiculously false. He neither knows his parents, the place where, nor the time when he was born, nor when and where he died; neither is he correctly informed of the education which he received, the disposition which he evinced while a youth, the feats which he performed, the tricks by which he ascended the musnud of Mysore; nor in short, of any one circumstance of his chequered life. After acquainting us that he died at Arcot, (which is not true, for he died at Chittoor,) he observes that certain proofs have been found that this prince was poisoned.

'O Anglois! Anglois! and you, unfortunate Tippo, who exhibit so terrible an example of the frail and gloomy lot of the great; you, like another Hannibal, had sworn, while yet an infant, upon the Coran to your father an eternal hatred against the English! But, alas! you were not permitted to fulfil this noble vow, of which you were yourself the victim!'

This amiable prince also fell, it seems, by the craft and treachery of the English, 'for it was only by surprize that Seringapatnam was taken, when Tippo Saheb died by the sword of a hired assassin. The city was then given up to pillage, and the women of the king saw themselves exposed to the brutality of the English soldiers.'

A reference to the London Gazette is the best answer which we can give to such infamous falsehoods.

The work is written in a stile and manner well calculated to take the attention of the generality of readers. The language is nervous and concise; sometimes, however, it becomes clumsy, inflated and declamatory. It embraces, in fact, the pert flippancy of a Frenchman, the coarse vulgarity of a Dutchman, and the whining sentimentality of a modern German. The reflexions on events are not more just or accurate than the events themselves. The descriptions however are sufficiently clear; the objects are distinctly brought forward, but they are all studies; true to general nature, they are false to individual and insulated facts. The indications of the approaching hurricane at Madras may serve to illustrate our remark. Not satisfied with the actual accompaniments of the storm, the author collects all the phenomena which his reading can supply, to aggravate the horrors of the description. He sees the sun set in blood, the moon rise (when by his own account there was no moon) in unwonted magnitude, the sea monsters leaving their deep abodes to float on the surface, and, from the streets of Madras, *wild beasts seeking the shelter of the forest*, with twenty other incongruous concomitants, which may have been observed at various times and in various places, but not one of which, we will venture to say, was visible on the occasion to which we allude.

His observations on the manners of the natives, and the characteristic features of the country which he delineates, form by far the most interesting part of his book, and may be read with pleasure. We travel with brahmins and fakirs—with jugglers and fortune tellers, musicians and dancing girls; we ascend the sacred mountains amidst thousands of Hindoos, and sleep in choultries with groups of coulis, kaschi-kaunis, and travellers of every description. Our ears are stunned with the noisy din of the village school; and we see before its door a group of boys sitting cross-legged and tracing their letters with the finger in the sand, pronouncing each letter or word or sentence at the same instant of time, with a loud voice, the better to impress them on the memory. The bezars or market, with all the diversified produce of the east, is laid before us. We join in the religious processions—the pilgrimages—the oblations of the Hindoos; and we accompany the poor widow, who, in consequence of her vow, burns as a willing sacrifice on her husband's funeral pile. Of this extraordinary ceremony an instance occurred at Velour, which, being conducted in a different manner from those on some parts of the coast, we shall give in the author's own words.

• We

'We arrived at the village about three o'clock, and were not long in finding out the dwelling of her who was destined to be the heroine of this tragedy. She was seated before the door of her house, surrounded by a few persons of both sexes, her relations, no doubt, to whom she distributed betel from time to time, moving her lips incessantly without speaking a single word; just as a person praying in a low voice; not the least symptom of fear was apparent; she seemed on the contrary to be perfectly at her ease. The poor creature was truly to be pitied; to me she appeared about 23 years of age. Her features were placid and agreeable, and her person well made. Deeply affected, I left her to take a look at the fiery pit, into which she was to throw herself. I found it at the distance of a short fourth part of a league from the village on a plain; it was about ten feet long by eight wide, and as many deep; they were then busy in throwing in wood to feed and augment this dreadful furnace.

'Shortly after I heard at a distance the music, which announced the approach of the victim. It was accompanied by the same people whom I had seen about her before her door. She held a lemon in her hand, in which were stuck some heads of cloves, which occupy the place of a box of perfumes among the Hindoo women.

'The procession now moved with her towards a neighbouring tank. Before she reached it she stripped herself of all her clothing, which she distributed among some of the women who accompanied her. As soon as she had bathed, she put on a robe of white cotton cloth; she then came forward with a firm step; her head erect, as in triumph, to the sound of the music, and attended by some Brahmins, whose object was to keep up her courage in reciting some hymns. During this time, the trench had been surrounded with high mats that the victim might not be terrified with the sight of the furnace before the proper time, near which was placed the corpse of her husband upon a bier. The widow stopped for some time, and with an air the most sorrowful, looking at the corpse, smote her breast and wept bitterly. She then bent herself before it, and three times made a tour round the pit, and at each time, on approaching the corpse of her husband, she covered her face with her hands and made a profound inclination. At length, stopping near to the body, she turned herself towards her relations and friends, with an air of tranquillity, to take leave of them. A vase of oil was then given to her, a part of which she poured on the body of the deceased, and then placing it on her head, cried out three times with a loud voice *Narvina!* The mats which surrounded the fiery trench were now quickly removed, the corpse thrown in, and the widow, without discovering any signs of fear, plunged in after it, amid the shouts of the women and the noise of the music, while each of the spectators threw in a small faggot with which they had provided themselves for the purpose, so that she was covered in an instant.'—Vol. II. p. 59.

It is still a disputed point among Europeans whether this extraordinary sacrifice is voluntary. The act itself, we have no doubt, is so; but how is the victim circumstanced? As a widow, the lot

of a Hindoo woman is deplorable; she cannot contract a second marriage; she cannot inherit her husband's property, but is left to the mercy of her children, or, in default of them, to her husband's relations; she must neither wear jewels, nor gold, nor silver, of which Hindoo women are passionately fond; she must, in short, give up every thing that constitutes comfort and independence: and when little or nothing is left to make life desirable, it is not surprising that the fear of death should be greatly diminished. But if these considerations should not be found sufficient, other positive inducements are not wanting to encourage her. Her family becomes, as it were, ennobled by such a sacrifice: her husband's happiness is secured, and herself entitled to all the joys of Paradise for thirty millions of years. It may be true, as the Brahmins pretend, that they are neither forced nor persuaded to make the vow, and that very severe punishments, both in this world and the next, are denounced against all those who use any undue means to prevail on a widow to devote herself to the pile: but there are moments of weakness or tenderness in which a woman's affections may subdue her reason; an instance of which, indeed, is furnished by the author, who tells us that his *devadaschie*, or dancing girl, overpowered with feelings of gratitude, resolved, in the event of her having the misfortune to lose him, to die *mahasti*; that is, to burn herself with his corpse, or, at any rate, to die by some violent means. When the vow has once been made, there is no possibility of retracting it; a woman, in such circumstances, would become the scoff and scorn of the country; and every refuge would be denied her, excepting among the *parias* or outcasts from society.

In his description of the objects of art, we have our doubts whether the writer is any more to be trusted than in his relation of events. In both, we either discover the faint and confused recollections of an angry man, endeavouring to carry back his imagination some thirty or forty years; or, we find him stealing without measure or acknowledgment from the observations of others. We shall confine ourselves to one instance of this kind of theft from a paper by Mr. Chambers, in the *Asiatic Researches*, containing an account of the ruins of Mavalipurana, the Mahabalipoor, or *city of the great Bali*, which, submerged in 'the dark green deep,' rears 'the golden summits of its domes above the sea; and which is rendered still more interesting, by the magnificent description given of it in the 'Curse of Kehama.'

*Chambers.* 'On coming near to the foot of the rock or hill of stone, from the north, works of imagery and sculpture crowd so thick upon the eye as might seem to favour the idea of a petrified town.'

*Haafner.* 'At the foot of the hill, on the north side, one meets with such



such a multitude of ancient monuments that at the first approach, one might imagine oneself entering a petrified town.'

*Chambers.* 'Proceeding along the foot of the hill, on the side facing the sea, there is a pagoda rising out of the ground of one solid stone, which seems to have been cut upon the spot out of a detached rock.'

*Haafner.* 'At the foot of the hill, near to the sea, there is a very handsome pagoda cut, both as to its pillars and its ornaments, out of the solid rock.'

*Chambers.* 'From hence a winding stair leads to a kind of temple, cut out of the solid rock, with some figures of idols in high relief upon its walls, very well finished and perfectly fresh, as it faces the west, and is therefore sheltered from the sea air. From this temple again there are flights of steps that seem to have led to some edifice formerly standing upon the hill.'

*Haafner.* 'On the west side is a temple cut out of the rock, whose walls are covered with sculptured figures, which have suffered little from the hand of time, because they are not exposed to the salt air of the sea. From this temple many steps lead to the top of the mountain.'

*Chambers.* 'In descending there is an excavation that seems to have been intended for a place of worship, and contains various sculptures of Hindoo deities. The most remarkable of these is a gigantic figure of Vishnow asleep on a kind of bed, with a huge snake wound about in many coils by way of pillow for his head; and these figures are all of one piece hewn from the body of the rock.'

*Haafner.* 'Descending on the south is another excavation, supported by a great number of columns. Judging from the altars, and the quantity of statues of gods and goddesses which appear, one may conclude that it once served as a temple. Among the statues a colossal figure of Vischnow is remarkable. He reposes on a kind of bed, and his pillow is a serpent coiled round upon itself. This statue is hewn out of the rock to which it is attached by the lower extremity.'

The plagiarism 'stinks to heaven.' Chambers visited the ruins in 1772 and 1776, but did not write his account of them until 1784. Haafner says that he visited them frequently while he resided at Madras, in 1780—82, and he publishes his book in 1806. Our own opinion is, that Chambers's account is vague and inaccurate; and that Haafner knows no more of them than what appears in the Asiatic Researches: hitherto nothing like a correct description has been given of those ruins, which, as monuments of ancient magnificence, far exceed the caverns of Salsette and Elephanta, and are surpassed only by those unparalleled examples of human labour, the excavations of Ellora. It is not much to the credit of our countrymen, that, though within the distance of 16 or 18 miles of Madras, no resident, since the time of Mr. Chambers, has thought it worth his pains to visit them? The situation may be 'remote,' as Chambers says, 'from the high road which leads to the different European settlements;' and the coast,



as Haafner subjoins, may 'be dangerous for vessels;' yet the latter, if he may be trusted, found no difficulty in approaching the place in a crazy open boat, in the worst season, though we are taught, that

————— 'never traveller comes near  
These awful ruins of the days of yore,  
Nor fisher's bark, nor venturous mariner  
Approach the sacred shore.'

In conclusion, if Jacob Haafner be a real character, he is a man totally destitute of every principle of honour and truth; if a mere *nom de guerre*, the book may be considered as having been got up by the French government for the mean and odious purpose of creating a false and unfavourable impression of the British character on the continent, and fixing an unmerited stigma on the British name in India. This must be our apology for noticing it at all; and this, we trust, our readers will admit to be sufficiently valid.

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ART. VII. *Traité Élémentaire d'Astronomie Physique*, par J. B. Biot, Membre de l'Institut de France, &c. Avec des Additions relatives à l'Astronomie Nautique, par M. de Rossel, ancien Capitaine de Vaisseau, Rédacteur et Co-opérateur du Voyage de d'Entrecasteaux. Seconde Edition, destinée à l'Enseignement dans les Lycées impériaux et les Ecoles secondaires. . . . An *Elementary Treatise on Physical Astronomy*, &c. Paris. 1810. 3 vols. 8vo. pp. xxxvi. 1727. and 41 Plates.

ALTHOUGH the volumes before us constitute the second edition of a work of no superlative merit, yet it has many claims on our attention. In magnitude it nearly triples the former edition, and may, therefore, be considered rather as a new than an improved work. Since its first appearance, the author has received many suggestions for modification and improvement, from Laplace, Delambre, Pictet, Prevost, Maurice, Arago, Chaix, Rodrigues, Berrouer, Mathieu, Bouvard, and Rossel; his performance, therefore, may be contemplated as a fair specimen of the maximum of producible talent in France on this interesting subject. It contains, besides, many striking instances of the prevailing wish among Frenchmen of science to extirpate from the continent the notion that any such beings as philosophers now exist in Great Britain. And it develops some of the arts to which even a man of respectable talents will have recourse, in order to derive all possible pecuniary advantage from his character, by swelling out his work to double its requisite size.

M. Biot,

M. Biot, in his prefatory sketch of the object of his treatise, supposes the student to possess no absolute knowledge of astronomy, or even of cosmography. He farther supposes the existence of all the prejudices respecting the figure of the earth and the celestial motions which spring from the uncorrected testimony of the senses; and he endeavours to lead his pupil, by a gradual process of observation and reasoning, to the true mechanism of the system of the world, including, of course, the motion of the earth, the laws of Kepler, and the explication of the various phenomena which depend upon attraction. The work is divided into four books, of which we shall speak in their order.

Book I. contains twenty-three chapters, which treat of the heavens viewed astronomically; the roundness of the earth; the atmosphere; instruments necessary in astronomical observations; use of the transit instrument; equality of celestial revolutions, and their use in measuring time; determination of the meridian by the measure of time; direction of the axis of apparent celestial rotation; mural quadrant, and its use in determining the height of the pole; exact determination of the laws of diurnal motion, including proofs of its uniformity; principal circles of the celestial sphere; terrestrial poles and equator; determination of the *figure* of the earth; with the exact measure of its *magnitude*; mode of fixing the position of the different points of the earth's surface; investigation of the physical consequences which result from the universality of the diurnal motion; physical consequences of the compression of the earth's polar axis, including the variations in the length of the second's pendulum; atmospherical refractions; parallaxes; description and use of the repeating circle; instruments used at sea; sextant; reflecting circle; and mariner's compass. These subjects, with the notes, occupy the whole of the first volume.

In this volume we meet with some excellencies, and not a few peculiarities. Among the former, we must specify the note on the subject of refraction; and among the latter, the omission of the English measurers in the chapter on the determination of the earth's figure and magnitude. The progress of sentiment, and change of conduct, on this point, are somewhat curious. At first, the English measurers and the French academicians met at Dover to adjust their plan of operations; they then kept up a friendly correspondence, and the French liberally extolled the superior accuracy of the English operations; afterwards they praised the accuracy of the English measures, but with a saving clause in favour of their own; as was the case with Puissant in his '*Géodésie*,' who, after stating some remarkable instances of correctness in General Roy and Colonel Mudge, says, '*Neanmoins, jusqu'à*

jusqu'à présent rien n'égale en exactitude les opérations géodésiques qui ont servi de fondement à notre système métrique ;' and, lastly, an elaborate chapter is written on the measure of the earth, in which there is no more notice taken of the most correct of all trigonometrical surveys, carried on uniformly with great science and skill, and extreme public benefit, for 27 years, than if it had never commenced. This is rendered still more extraordinary by M. Biot's commendation of Messrs. Mason and Dixon's measure of a degree in Pennsylvania, though we will venture to say there is no respectable mathematician in Europe who is not aware of the extreme inaccuracy of the American results. Dr. Maskelyne, in the Philosophical Transactions for 1768, (from which the French authors obtained their account of Mason and Dixon's '*belles opérations*,') informs us, that Mr. Henry Cavendish 'having mathematically investigated several rules for finding the attraction of the inequalities of the earth, has, upon probable suppositions of the distance and height of the Allegany mountains from the degree measured, and the depth and declivity of the Atlantic ocean, computed what alteration might be produced in the length of the degree, from the attraction of the said hills, and the defect of attraction of the Atlantic, and finds the degree may have been diminished from 60 to 100 toises from these causes.' Yet this is the degree which our Gallic lovers of 'exactitude' prefer to any of those measured in England!

Our author has a diffuse though interesting chapter on atmospheric refractions, which is the more valuable as it is now known that M. Lambert's theory, hitherto almost generally received, is erroneous. In this he traces the cause of several curious phenomena which depend on variable refractions, and among others that which is known to their mariners under the name of *mirage*, and which the French army frequently observed in their expedition to Egypt.

'The surface of the ground of Lower Egypt is a vast plain, perfectly horizontal. Its uniformity is not otherwise broken than by some eminences, on which are situated the towns and villages, which, by such means, are secured from the inundations of the Nile. In the evening and morning the aspect of the country is such as comports with the real disposition and distance of objects; but when the surface of the earth becomes heated by the presence of the sun, the ground appears as though it were terminated at a certain distance by a general inundation. The villages beyond it appear like islands situated in the midst of a great lake. Under each village is seen its inverted image as distinctly as it would appear in water. In proportion as this apparent inundation is approached, its limits recede, the imaginary lake, which seemed to surround the villages, retires; lastly, it disappears entirely, and the illusion is reproduced by another town or village more distant. Thus,

as M. Monge, from whom I have borrowed this description, remarks, every thing concurs to complete an illusion which is sometimes cruel, especially in the desert, because it presents the image of water, at the time when it is most needed.'

The second book of this treatise is devoted to what is technically called 'the theory of the sun,' and is divided into eighteen chapters, occupying 342 pages. The distribution and arrangement of subjects will appear from the following enumeration. Proper motions of the stars, and the means of determining them; application to the sun, with the theory of its circular motion; calendar; manner of referring the position of the stars to the plane of the ecliptic; progressive diminution of the obliquity of the ecliptic; precession of the equinoxes; nutation; second approximation to the sun's motion, with the theory of its apparent elliptical motion; mode of determining the exact position of the solar ellipse upon the plane of the ecliptic, with the origin of *mean time*, &c.; exact determination of eccentricity from observations of the equation of the centre; use of 'equations of condition' for the simultaneous determination of the elements; construction of solar tables; inequality of solar days, and the equation of time; spots of the sun, their form, and rotation; inequality of days and seasons in different climates; temperature of the earth; hypothesis of the earth's annual motion; precession of the equinoxes considered as the effect of the displacing of the terrestrial equator; use of the theory of the sun, and the motions of the equator, ecliptic, and equinoxes, in chronological researches, with some curious applications. This book contains much valuable matter, though not always exhibited in the best form.

In the fourth chapter there is a short but useful note on the method of determining the longitude and latitude of a heavenly body, the right ascension, declination, and obliquity of the ecliptic being given; as well as the method of solving the converse problem. Let  $\omega$  the obliquity of the ecliptic,  $d$  the declination of a star, or other body,  $a$  its right ascension,  $\lambda$  its latitude,  $l$  its longitude; then the following formulæ are deduced from the principles of spherical astronomy:

$$\begin{aligned}\sin. \lambda &= - \sin. \omega \cos. d \sin. a + \cos. \omega \sin. d \\ \tan. l &= \frac{\tan. d \sin. \omega + \sin. a \cos. \omega}{\cos. a}\end{aligned}$$

These two formulæ may be accommodated to the logarithmic calculus, by taking an auxiliary angle  $\phi$  such that  $\tan. \phi = \frac{\sin. a}{\tan. d}$ : for then exterminating  $\sin. a$  from the first and  $\tan. d$ , by means of the usual expressions for sines and cosines of sums and differences, there result

$\sin.$

$$\sin. \lambda = \sin. d \frac{\cos. (\phi + \omega)}{\cos. \phi}.$$

$$\tan. l = \tan. a \frac{\sin. (\phi + \omega)}{\sin. \phi}.$$

Again, to find the declination and right ascension the formulæ are similar, viz.,

$$\sin. d = \sin. \omega \cos. \lambda \sin. l + \cos. \omega \sin. \lambda.$$

$$\tan. a = \frac{-\tan. \lambda \sin. \omega + \sin. l \cos. \omega}{\cos. l}.$$

Here, in like manner, taking a subsidiary angle, so that  $\tan. \phi^s = \frac{\sin. l}{\tan. \lambda}$ , the resulting formulæ are,

$$\sin. d = \sin. \lambda \frac{\cos. (\phi^s - \omega)}{\cos. \phi^s}.$$

$$\tan. a = \tan. l \frac{\sin. (\phi^s - \omega)}{\sin. \phi^s}.$$

The angle of position S may be determined by either of the following theorems, viz.

$$\sin. S = \frac{\sin. \omega \cos. a}{\cos. \lambda}, \text{ or } \sin. S = \frac{\sin. \omega \cos. l}{\cos. d}.$$

The preceding formulæ will answer for all positions of the stars, by making the sines, cosines, or tangents, positive or negative, according to the value of the arcs to which they correspond: they are very convenient in application, and, we think, preferable, on the whole, to the rules of Dr. Maskelyne for the same purpose, given in the first volume of Vince's *Astronomy*.

One of the most remarkable results to which the theory of attraction has led, is that of the oscillation of all the irregularities of the planetary system within certain limits which they never pass. The variation in the obliquity of the ecliptic is an example of this kind; and M. Biot, in common with many other mathematicians, French and English, ascribes the discovery of this fact to M. Laplace, while, in truth, he has only the merit of affixing the last link to an interesting chain of deduction. Our countryman, Thomas Simpson, has the honour of forming the *first*; for, in the resolution of some general problems in physical astronomy, in his 'Miscellaneous Tracts,' applying his results to the lunar orbit, he concludes, 'by showing that the effect of such terms or forces as are proportional to the *cosine of the arch*  $z$ , is explicable by means of the cosines of that arch and of its multiples, (no less than the effects of the other terms that are proportional to the *cosines of the multiples thereof*,) a very important point is determined; for, since it appears thereby that no terms enter into the equation of the orbit but what by a regular increase and decrease do after a certain time return again to their former values, it is evident from thence that

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the mean motion and the greatest quantities of the several equations undergo no change from gravity.—*Tracts*, p. 179.

The reasoning in the preceding quotation evidently applies to all that has been since done, and is, in fact, the source of every subsequent investigation. It was upon analogous principles that Frisi proved, in his third book *De Gravitate Universali Corporum*, prop. 45, that the 'obliquity of the ecliptic can scarcely ever be more than a degree less than it is now, and that not in less than sixty centuries to come.' And, more generally still, M. Lagrange, employing the principles of Simpson, completed the discovery of the permanency of the whole system in a state but little different from what obtains at any assumed period of its existence; as well as traced the extent of the oscillations in many particular cases. His method has been thus developed;—'The law of the composition of forces enables us to express every action of the mutual forces of the sun and planets by the sines and cosines of circular arches, which increase with an uniform motion. The nature of the circle shows, that the variation of the sines and cosines are proportional to the cosines and sines of the same arches. The variations of their squares, cubes, or other powers, are proportional to the sines or cosines of the double or triples, or other multiples of the same arches. Therefore, since the infinite serieses which express those actions of forces, and their variations, include only sines and cosines, with their powers and fluxions, it follows that all accumulated forces, and variations of forces, and variations of variations, through infinite orders, are still expressible by repeated sums of sines or cosines, corresponding to arches which are generated by going round and round the circle. These quantities, as every analyst knows, become alternately positive and negative; and therefore, in whatever way they are compounded by addition of themselves; or their multiples, or both, we must always arrive at a period after which they will be repeated with all their intermediate variations.'

Such, in brief, was the process, strictly conformable to the principles originally developed by Simpson, from which Lagrange proved, that the eccentricities of the planetary orbits, though variable, will never vanish entirely, nor exceed certain quantities; that the variation in the obliquity of the ecliptic, and every other apparent irregularity in the system, has its period and its limit. Hence, considering what was accomplished in succession by the three eminent geometers here mentioned, justice compels us to lower considerably the praise ascribed by M. Biot and others to Laplace for his discoveries in this department of physical astronomy. His merit consists in carrying their principles into the details. Thus, taking 1750 for the origin of any time  $t$  reckoned in years, the distance

tance antecedent to that date being reckoned *negatively*, and the time subsequent to it, *positively*, calling  $\psi$  the retrogradation of the equinoctial point on the fixed ecliptic, and  $V$  the obliquity of the equator from the fixed ecliptic, Laplace gives, in his *Mécanique Céleste*, the following formulæ expressed in the centesimal notation:—

$$\Psi = t. 155''.5927 + 3''.11019 + 4''.25562 \sin. (t. 155''.5927 + 95''.0733)$$

$$- 7''.35308 \cos. t. 99''.1227 - 1''.7572 \sin. t. 43''.0446.$$

$$V = 26''.0812 - 0''.36766 - 1''.81876 \cos. (t. 155''.5927 + 95''.0733)$$

$$+ 0''.50827 \cos. t. 43''.0446 - 2''.84636 \sin. t. 99''.1227.$$

If  $\psi'$  be the corresponding retrogradation of the equinoxes upon the moveable ecliptic, and  $V'$  the apparent obliquity of the equator from the moveable ecliptic, then the theorems for any time whatever, reckoning from the epoch 1750, are,

$$\Psi' = t. 155''.5927 - 1''.42823 \sin. t. 43''.0446 + 6''.22038 \sin. 2t. 49''.5613.$$

$$V' = 26''.0812 - 1''.03304 \sin. t. 99''.1227 - 0''.73532 \sin. 2t. 21''.5223.$$

From these theorems, which have not, as yet, we believe, been published in any English work, it follows that, with regard to the obliquity of the equator from the *fixed* ecliptic, its total change from the time  $t$  will be equal to the product of the annual acceleration into the half of  $t$ , that is to say, after the time  $t$  the obliquity  $V$  will become  $V + t^2. 0''.00003037$ ; while, for the annual change of the obliquity with respect to the *moveable* ecliptic, we have

—  $1''.6083 - 0''.2486 \sin t. 43''.0446 + 3''.2166 \sin^2 t. 49''.5613$  which, besides the terms proportional to the time, and to the powers of the time, contains the constant term —  $1''.6083$ , to which there is nothing analogous in the variations of obliquity with regard to the fixed ecliptic.

'The reason of this difference (says M. Biot) may be traced in the causes which produce the two phenomena. The attraction of the sun and moon, if they acted alone, would produce a constant precession equal to  $155''.5927$  (centes.) and would not change the obliquity of the equator from the ecliptic, which would then be fixed. But, by the effect of the planetary attraction, the true ecliptic is displaced in the heavens, and carries those two luminaries with it. Their action in consequence varies, and produces a small variation in the obliquity of the equator from the fixed ecliptic. This variation, at first insensible, becomes accelerated proportionably to the time, and the resulting absolute change of obliquity is therefore proportional to the *square* of the time. But, farther, the attraction of the planets which displaces the true ecliptic, inclines it also towards the fixed ecliptic. This other annual variation is at first constant, and its effect is proportional to the time. But the apparent obliquity which we observe is the difference of the



the two inclinations of the equator and of the true ecliptic towards the fixed ecliptic. It is, in fact, the excess of the first over the second: it is therefore, the difference of the two preceding results; and it is thence obvious why its expression, which we have developed, should contain the two kinds of variations which characterise them.

Our author gives an interesting account of the subjects of precession and nutation. But, on comparing his language in the first and second editions of his work, we cannot but notice the singular evidence which they furnish of his progress in national partiality. In his first edition, (speaking of the inferred existence of these phenomena previously to their discovery by observation,) he says,

‘L’existence de ces phénomènes est une suite de la théorie de l’attraction; ils ont été découverts et calculés par Newton, avant d’être vus. C’est l’excellent astronome Bradley qui les a le premier reconnus et déterminés par l’observation.’

Since that edition was published, however, he seems to have obtained some new light as to these particulars, for his language now is,

‘La théorie de l’attraction universelle a fait connaître pourquoi les variations périodiques observées par Bradley dans l’obliquité de l’ecliptique et dans la position des équinoxes, &c. sont en rapport avec la position des nœuds de la lune. C’est à d’Alembert que l’on doit cette importante confirmation de la théorie de l’attraction universelle.’

In treating the subject of the motion of the apsides of the sun’s apparent orbit, our author presents some particulars worth recording.

‘According to the observations of Lacaille, the longitude of the perigee, in 1750, was  $309^{\circ}.5827$  (centes.).

‘When the major axis was perpendicular to the line of the equinoxes this longitude would be  $300^{\circ}$ .

‘The difference is  $9^{\circ}.5827$ , which at the rate of  $191''.0668$  per year, requires a number of years equal to  $958270000 \div 1910668$ , or about 500 years.

‘This phenomenon would therefore take place in the year 1250; when the sun’s perigee would coincide with the winter solstice, and the apogee with the summer solstice.

‘In like manner when the major axis coincided with the line of the equinoxes, the longitude of the perigee was  $200^{\circ}$ . From that epoch to 1750, it would have advanced  $109^{\circ}.5827$ . The number of years necessary for this displacement is  $10958270000 \div 1910668$ , or about 5735, which refers this phenomenon to about 4000 years previous to the Christian æra. By a coincidence sufficiently singular it happens that most chronologers refer nearly to this time the first traces of the residence of man upon earth; though it appears by a great number of physical proofs, that the earth itself is much more ancient.’

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We shall not stop to expose the folly of this observation, but leave M. Biot to settle the point with his '*cher et illustre confrère*,' Laplace, who, in his '*Exposition*,' liv. iv. ch. 4, throws a doubt of a contrary kind upon the Mosiac accounts, and eagerly endeavours to adduce proofs of '*la nouveauté du monde moral, dont les monumens ne remontent guère, au-delà de trois milles ans.*' Our author, however, goes on:

'The same phænomenon will occur again when the solar perigee becomes  $400^\circ$ , that is to say, when it has described  $100^\circ - 9^\circ 5827$ , after the year 1750; and, estimating from the preceding results, we shall see that in order to that there will be required a number of years expressed by  $5735 - 1000 = 4735$ , which refers this phænomenon to the year 6485. The solar perigee will then coincide with the vernal equinox, while in the opposite position it coincided with the autumnal equinox. In these two cases the line of the solstices, which is always perpendicular to that of the equinoxes, coincides with the minor axis of the solar ellipse.'

M. Biot next proceeds to shew how the position of the apsides affects the relative length of the seasons. Thus, it has been computed that in the year 1800:

'From the vernal equinox to the summer solstice was  $92^d.90588$ .

'From the summer solstice to the autumnal equinox  $93^d.56584$ .

'From the autumnal equinox to the winter solstice  $89^d.69954$ .

'From the winter solstice to the vernal equinox  $89^d.07110$ .

'The spring is, therefore, *now* shorter than the summer, and the autumn longer than the winter.

'So long as the solar perigee remains on the side of the equator, on which it is now, the spring and summer taken together, will be longer than the autumn and winter together. In the present age the difference is about 7 days, as appears from the preceding values. These intervals will become equal about the year 6485, when the perigee will reach the vernal equinox; afterwards it will pass beyond it, and the spring and summer taken together, will become shorter than the autumn and the winter.

'These phænomena could not obtain if the motion of the sun were circular and uniform; but all the seasons would be equal. The eccentricity of the orbit, therefore, though very small, has a sensible influence on the duration of the seasons; and the displacement of the major axis, though very slow, produces varieties that become perceptible in different ages.'

Book III. on the theory of the moon, contains 21 chapters, and occupies the rest of the second volume. Its subjects are: General phænomena of the lunar motions; theory of the moon's circular motion, (or the *first* approximation to the true motions); moon's phases; apparent diameter and parallax; theory of the moon's elliptical motion,

motion, (or the *second* approximation to the true motions,) secular equation of the moon's mean motion; secular equations affecting the elements of the lunar orbit; periodical inequalities in the lunar motions; those which affect the longitude, latitude, and radius vector; libration of the moon, and position of its equator; form and physical constitution of the lunar spheroid; nature, cause, and computation of solar, and lunar eclipses, transits and occultations; determination of terrestrial longitudes by lunar eclipses, occultations, &c.; relations observed between the age and course of the moon and the tides; explication of some useful periods connected with chronology. The book concludes with two useful notes, one respecting the influence of refraction on the inclined diameters of the moon's disc; and the other exhibiting some ingenious formulæ of M. Olbers for obtaining the elements of the apparent places of the stars in functions of the elements of the true places. The most valuable part of this book is that which relates to the computations of eclipses; but it is not susceptible of abridgment. We have only room for one quotation, which contains the most simple and satisfactory elucidation of the moon's *libration*, that we remember to have seen.

'The desire to determine the axis of rotation and the plane of the lunar equator, has led to a very careful observation of the lunar spots. Two circumstances facilitate this research: these spots are permanent, and we may in general observe them during the whole course of the same revolution.

'These spots present some varieties in their apparent positions on the lunar disc: they are seen alternately to approach toward and recede from its borders. Those which are near to these edges disappear and re-appear in succession, thus making periodical oscillations. Yet, as the spots themselves do not seem to experience any sensible changes in their respective positions, and as they are always seen again of the same magnitude and under the same form, when they have returned to the same position, it is hence concluded that they are permanently fixed upon the moon's surface. Their oscillations seem, therefore, to indicate a sort of balancing in the lunar globe, to which the name of *libration* has been given, from a Latin word which signifies *to balance*.

'But, in adopting this expression, however well it depicts the appearances observed, we must not attach a positive sense to it, for the phenomenon itself has nothing of reality; it is only a complex result of several optical illusions.

'To conceive and separate these illusions, let us recur to some fixed terms. Imagine that a visual ray is drawn from the centre of the earth to the centre of the moon. The plane drawn through the latter centre perpendicular to this ray will cut the lunar globe according to the circumference of a circle, which is, with respect to us, the apparent disc. If the moon had no real rotatory motion, that is to say, if each

point of its surface remained invariably directed towards the same point of the heavens, its motion of revolution about the earth alone would discover to us all the points of its surface in succession: the visual ray would therefore meet its surface successively in different points, which would appear to us to pass one after another, to the apparent centre of the lunar disc. The real rotatory motion counteracts the effects of this apparent rotation, and constantly brings back towards us the same face of the lunar globe: whence it is obvious why the opposite face is never revealed to us.

' Suppose now, that the rotation of the moon is uniform, as to sense, that is to say, that it does not partake of any periodical inequalities, (this supposition is at least the most natural which can be made, and theory proves that it is correct): then, one of the causes which produce the libration will become evident; for the motion of revolution partaking of the periodical inequalities, is sometimes slower, sometimes more rapid: the apparent rotation which it occasions, cannot therefore, always exactly counterbalance the real rotation, which remains constantly the same, and hence the two effects alternately surpass each other. The points of the lunar globe ought, therefore, to appear turning sometimes in one direction, sometimes in another, about its centre, and the resulting appearance is the same as if the moon had a small balancing from one side to the other of the radius vector drawn from its centre to that of the earth. It is this which is named the *libration in longitude*.

' Several accessory, but sensible causes modify this first result. The spots of the moon do not always retain the same elevation above the plane of its orbit: some of them, indeed, by the effect of its rotation, pass from one side of this plane to the opposite side. These circumstances indicate an axis of rotation, which is not exactly perpendicular to the plane of the lunar orbit; but according as that axis presents to us its greater or its smaller obliquity, it must discover to us successively the two poles of rotation of the lunar spheroid; in like manner as the axis of the earth presents successively its two poles to the sun in the two solstices. Hence we come to perceive, at certain times, some of the points situated towards these poles and lose sight of them afterwards, when they arrive nearer the apparent edge; and it is this which is denominated the *libration in latitude*. It is but inconsiderable, and therefore indicates that the equator of the moon differs very little from the plane of its orbit.

' Finally, a third illusion arises from the observer's being placed at the surface of the earth, and not at its centre. It is towards this centre that the moon always turns the same face, and the visual ray, drawn from thence to the centre of the moon, would always meet its surface at the same point, abstracting the preceding inequalities. It is not the same with regard to the visual ray drawn from the surface of the earth; for that ray makes a sensible angle with the preceding one, by reason of the proximity of the moon; an angle which, at the horizon, is equal to the horizontal parallax: in consequence of this difference, the apparent contour of the lunar spheroid is not the same with respect to the centre of the earth, and to the observer placed at its surface. This,

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when the moon rises, causes some points to be discovered towards its upper edge, which could not have been seen from the centre of the earth. As the moon rises above the horizon, these points continue to approach the upper edge of the disc, and at length disappear, while others towards its lower edge become visible; the same effect is continued during the whole time that the moon is visible, and, as the part of its disc which appears highest at its rising, is found lowest at its setting, these are the two instants when the difference is most perceptible. Thus, the lunar globe, in its diurnal motion, appears to oscillate about the radius vector drawn from its centre to the centre of the earth. This phenomenon is distinguished by the name of *diurnal libration*.\*

In this book the chapter on the tides is very meagre and defective; but as this is a subject on which we recently had occasion to speak at large, it need not here be resumed.

The fourth book is devoted to the astronomy of planets, comets, and fixed stars; and is divided into fifteen chapters, occupying 243 pages. The following is the distribution of subjects. General phenomena of the planetary motions, mode of determining the positions of the planets' orbits from observation, exact determination of their elements, laws of Kepler, manner of predicting the return of the planets to the same situation with respect to the sun and earth, particularities relative to the physical constitution of the planets, observed rotations, compressions of their axes, &c. satellites of the planets, transmission of light rendered measurable by the retardation of their eclipses, Saturn's ring, comets, determination of their orbits, formulæ for parabolic trajectories, aëroliths, recapitulation of the phenomena which indicate the reality of the earth's motion, aberration of light, stations and retrogradations of the planets, true dimensions of the planetary orbits as deduced from the sun's parallax and other considerations, distances, motions, and annual parallax of the fixed stars, universal gravitation considered as a general fact resulting from the laws of Kepler, masses of the planets, satellites, &c. concluding with a long note on the method of computing the transits of Venus, and making the necessary deductions as to parallax, and the real magnitudes of the planets and their orbits.

This is, on the whole, a valuable book, though the arrangement of its constituent chapters might have been greatly amended. Considering the length to which our article is running, we can only venture upon one quotation from it. After tracing the method of determining the parallax of the sun, from a transit of Venus over the disc of that luminary, M. Biot says,

'The author of the "*Celestial Mechanics*" has shown\* that we may

\* *Mec. Céleste*, tom. iii. pa. 4.—*Rev.*

also obtain the parallax of the sun after another manner, without observing it immediately, and from the knowledge of an inequality of the lunar motions which is connected with that parallax. To conceive such connection it must be recollected that the inequalities of the lunar motions have determinate relations with the positions of the earth and sun. The calculus makes these relations known; the observations determine the extent of the inequalities; and combining those data, we may deduce the value of the elements on which the inequalities depend, for we have the expression of their dependence and the measure of their action. The whole is reduced to finding inequalities in which that action is, in some sort, comprehended, or in which it is incessantly reproduced, in such manner that it may be inferred exactly by a great number of observations. There exists in the motion of the moon an inequality of this kind, which depends upon the sun's parallax, or upon its distance from the earth; and on determining that by observation, M. Laplace has thence deduced the value of the parallax equal to  $26''.4205$  ( $8''.560243$  sexiges.) which is nearly the same as the result deduced from the transits of Venus. It is probable that this result of the theory is even more exact than that which has been derived from the observations upon those transits.

Such coincidences of results, deduced from totally independent methods, are extremely interesting; and every fresh instance has the effect of banishing to a greater distance than ever, all possible doubt of the sufficiency and correctness of the great principle of universal attraction, according to the inverse ratio of the square of the distances. We have long been in possession of a simple and satisfactory method of determining the moon's parallax from the usual theory of gravity, which is brought to our recollection by the preceding quotation; and which, though we know not how to ascribe it to its proper author, we cannot refrain from transcribing from our port-folio, as we think it far too ingenious to remain unknown.

Let  $S$  be the space in feet fallen in 1 second, by a heavy body in vacuo at the equator;  $V$  the versed-sine of the arc described by the moon, in the same time, to radius 1;  $R$  the radius of the equator in feet, ratio of the distance of the moon's and earth's centre, to the semidiameter of the latter that of  $X$  to 1: then, by the general law of gravitation, the space descended by the moon in  $1''$ , is  $s = \frac{S}{X^2}$ . But the same space is evidently  $s = VRX$ . Therefore

$$VRX = \frac{S}{X^2}, \text{ and } X = \sqrt[3]{\frac{S}{VR}}. \text{ Now at the equator,}$$

$$S = 16.10185, \text{ its logarithm } 1.2088645$$

$$\text{Log. } R = - - - - - 7.3211900$$

$$\text{Log. } V = - - - - - 7.5492882$$

The sum of the two latter taken from  $\log. S$ , and the remainder divided by 3, gives  $1.7787954 = \log.$  of  $60.08906$ ; its arithmetical complement is  $= \log. \tan.$  of  $57' 12''.34$  the approximate horizontal parallax.

Now, let  $x+1$  be the distance of the centres of the moon and earth, divided by their centres of gravity in the ratio of  $x$  to 1. Imagine a sphere of the same dimensions as the earth placed at that centre, and to exert the same attractive force on the moon as our earth actually does, the periodic time remaining unaltered: then must the density of this sphere be diminished in the ratio of  $x^2$  to  $(x+1)^2$  that its nearer distance from the moon may be compensated by the defect of density and attraction. Now, if an inhabitant of this fictitious earth were supposed to compute its distance from the moon in the manner above explained, the quantities  $V$  and  $R$  would be the same as in the former computation; but his  $S'$  would be to our  $S$ , as  $x^2$  to  $(x+1)^2$ ; and thence his  $X'$  would be to our  $X$ , as  $x^{\frac{3}{2}}$  to  $(x+1)^{\frac{3}{2}}$ ; that is,  $X' = \left(\frac{x}{x+1}\right)^{\frac{3}{2}} X$ . This

is the distance from the fictitious earth, or from the common centre of gravity: but (D) the distance from our earth is  $\frac{x+1}{x} \cdot \left(\frac{x}{x+1}\right)^{\frac{3}{2}} X$ , greater, as was supposed, in the ratio of  $x+1$  to  $x$ ; that is,  $D = \sqrt[3]{\frac{x+1}{x}} \cdot X$ . But, Newton, from the phenomena of the tides, estimated the ratio of  $x+1$  to  $x$ , at  $40.788$  to  $39.788$  (Princip. lib. iii. prop. 37. cor. 6.) So that the  $\log.$  of  $\sqrt[3]{\frac{x+1}{x}} = 0.0035934$ ; which added to  $1.7787954$ , the  $\log.$  of  $X$  for an immovable earth gives  $1.7823888 = \log.$  of  $60.5883$  radii of the equator, whence the horizontal parallax there  $= 56' 44''.07$ .

M. Biot having unnecessarily swelled his book by the introduction of extraneous discussions, finds, unfortunately, that he has too much matter for two volumes, but not enough for three; he therefore has recourse to his earlier publications, and the communications of his friends, to eke out his last volume. Thus, we are favoured with 216 pages of 'Additions,' such as, first, a tedious disquisition on the measure of altitudes by the barometer and thermometer, taken from his former work on that subject; then a treatise on dialling, by M. Berroyer, professor of mathematics at the college of Sens; then an essay 'Sur le mouvement de translation du système planétaire,' by M. Biot himself, who concludes that we have no evidence whatever of any such motion; then, a tract on the rectification of a transit instrument, of course closely connected with physical astronomy; then, an essay on the length of the second's



cond's pendulum in different latitudes, furnished in part by M. Mathieu; then, the '*Description et usage du Comparateur*,' an instrument designed for the purpose of measuring and comparing distances, such as the metre, accurately, but which will be of no use to those who are acquainted with the ingenious means employed by Mr. Bird, in determining the length of toises, &c.;\* and, lastly, an ingenious and scientific method of determining the orbits of comets, by M. Laplace. This article, peculiarly interesting so soon after our evening's skies have been decorated by the most splendid comet which has been seen here for more than a century, has, we observe, found its way into one of our philosophical journals.

In conclusion, we are presented with a treatise on nautical astronomy, abridged from a former piece by 'M. de Rossel.' This treatise, which occupies 250 pages, is, with the exception of a few neat formulæ and useful tables by Borda and others, nearly as unscientific as the well-known production of Mr. Hamilton Moore; and an author must be reduced to wretched shifts before he could congratulate himself and his readers, as M. Biot does, on its insertion.

We have now reached the end of our analysis; and if it should be thought that we have extended our remarks too far, we must beg our readers to recollect that we have been sketching the contents of nearly 1800 pages; the joint labour of a dozen of the most celebrated men in France. We have no time to dwell minutely upon the disadvantages attending M. Biot's method of employing sometimes the centesimal, at others, the sexigesimal division of the circle; or those which arise from his frequently transcribing results from Laplace's '*Mécanique Céleste*,' without sufficiently developing the principles on which they depend. Altogether, however, the work contains much that is valuable; and we regret sincerely that from a desire to swell out his treatise to undue dimensions, and an obvious unwillingness to do justice to our countrymen, he should have compelled us to blend so much censure with our commendation.

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\* See *Philosoph. Transac.* vol. lviii; or *New Abridgment*, vol. xii. pa. 577.

ART. VIII. *Portugal. A Poem; in Two Parts.* By Lord George Nugent Grenville. London, Longman, &c. 4to. pp. 120. 1812.

OUR poets seem resolved not to resign to our soldiers all the laurels of the Peninsula. Though we have not thought fit to introduce to our readers many of those modern Tyrtæi, we have not been inattentive observers of the tuneful campaign which has been prosecuted with almost as much vigour as the actual warfare.

However deficient these effusions may be in poetical merit, (and they are, in general, lamentably so,) they are not without a value of another kind: if they be not calculated to excite the public feeling, they may at least be admitted as some evidence of it. They furnish an humble testimony of the popularity of the cause of the Peninsula, and of the revived military pride of this country. 'You shall better discover,' Lord Bacon somewhere says, 'how the wind blows by throwing up a straw than by casting up a stone.'

If, for this reason, we have regarded with complacency, even the weakest efforts of the muses militant, it will readily be believed, that we heard with great satisfaction the first rumours of the work before us: they were on many accounts calculated to excite no ordinary expectations. A younger branch, it was said, of a noble family (whose political opinions on the subject of the peninsular contest are notoriously hostile to our own) was, during a residence of some months in Portugal and Spain, so affected by the evidence of facts, as to have abjured the tenets of his House, professed himself a convert to the general opinion, and produced an ample and tuneful recantation.

What precise degree of credit should be attached to these rumours we cannot take upon us to say. Twice, with the most patient attention, have we read every line of this poem, and twice have we risen from the perusal, 'perplexed in the extreme.'

Lord George Nugent Grenville has, it is certain, published a poem under the title of Portugal; but though the stream of verse is sufficiently smooth, it is so prodigiously deep that our plummets have, in very few places indeed, been able to find the bottom; and, notwithstanding much intense study, we frankly confess, that had it not been for some extraneous assistance, which shall be hereafter gratefully noticed, we could not have ventured to offer any opinion on the merit of a work, which we could by no means flatter ourselves that we had duly comprehended.

The darkness is indeed so complete and uninterrupted, that we, at once, perceived that it was not produced by an involuntary confusion of ideas, but must have arisen from a regular and systematic design, formed on mature consideration, and executed with the most nebulous felicity. At first we suspected that this obscurity might

have been somewhat too freely admitted as a source of the sublime; but this could only have dimmed particular passages. Then it occurred to us that the noble author had collected all the fragments of all the exercises which he had formerly sung in the academic bowers of Brazen-nose, and that we had here the 'disjecti membra poetæ' hastily put together; but this, too, appeared to be an untenable hypothesis; for though it would explain much of the incoherence, it could not account for the total absence of light under which the whole appears to labour.

Another solution of the difficulty remains, and we are inclined to believe that it may be the true one. The author appears, under circumstances of peculiar delicacy—his feelings are at variance with those of his relatives, and what candour urges him to speak, the partialities of private kindness make him desirous of concealing. Appreciating, therefore, as we sincerely do, the painful struggle in which he was involved, we are inclined not merely to excuse, but almost to admire the dutiful confusion and pious obscurity in which he has buried his contending feelings.

But 'this mighty maze' is not, as we have already hinted, 'without a plan;' and it is but justice to Lord George Nugent Grenville, to say, that he himself provides us with the clue, by prefixing a kind of preface *raisonné* to the whole, a detached argument to each of the parts, and explanatory notes to individual passages.

From all these sources we learn that his lordship has actually been (as rumor stated) in Portugal, 'and that the outline of his poem was suggested' by a walk, which, one fine evening, he took in that country. Of these circumstances we entreat the reader not to lose sight; for we confess, that in the keenness of appetite with which we opened the book, we proceeded at once to the poetry, and had actually read it through without guessing at these, and other facts, which we afterwards gleaned from the several commentaries, and the knowledge of which rendered our second perusal much more easy and delightful.

The poem opens with an address to Portugal, spoken by his lordship on the rock of Cintra, about sun-set, on an autumnal evening in 1810, in which he tells her 'that our feelings of enthusiasm,

'———when faery hands have wrought  
Those ruddiest hues by poet Fancy taught,'

'should not indispose us towards the consideration of the cause of Portugal in all its bearings, the character of its assertors, with reference to its worse, as well as its better properties'—and having thus clearly explained his moral sensations, he proceeds to a description of the scenery around him, which, we believe, for strength of touch

touch, brilliancy of colouring, and novelty of conception, has not been exceeded since the days of Della Crusca.

‘——I turned where Tejo’s glimmering stream,  
In melting distance *owned* the dubious beam;  
Lisbon shone fair, beneath the lively glow,  
Spread to its parting glance her *breast* of snow.  
And, as her *faery form* she forward bowed,  
*Woke* the soft slumbers of her *native flood*,  
While her white summits *mocked* the rude command  
Of the dark hills that fence her distant strand.’—p. 8.

Who is there that does not feel as if he saw Lisbon? What accuracy, what simplicity, what truth of delineation! The breast of snow, the fairy form, the gentle inclination forward, the playful naïveté with which she disturbs the slumbers of her native flood, &c. are circumstances all admirably chosen and highly characteristic. But even this beautiful picture is exceeded by that of Belem Castle.

‘—— the embattled head  
Of towery Belem in the radiance *played*,  
From fretted minaret or antique spire,  
*Welcomed* the *farewell* glance of living fire,  
And *smiled* to view its turret’s dazzling pride,  
In pictured lustre *deck* the answering tide.’—p. 9.

We entreat our readers to admire the head of Belem playing in the radiance; and though we cannot much commend the hospitality which welcomes a farewell, we are agreeably surprized at the complacent smile of the old castle at seeing itself in the water; a vanity the more excusable, as we apprehend that he never did ‘see himself in the answering tide’ before, or since that memorable evening.’

The convent of N. S. da Penha next engages his lordship’s attention, and gives occasion to a strain of invective, in which, with equal novelty and truth, he attacks the ‘Tiger superstition,’ and shows that convents were originally built and are *still* maintained by ‘feudal frenzy’ and ‘regal rapine,’ for the purposes of ‘shrouded murder,’ ‘trembling guilt,’ and ‘dark remorse.’

An ordinary poet would, at the moment when Lord George wrote, have seen in Portugal the stains of more recent blood than that which superstition had shed; he would have seen, raging far and wide, flames which the torch of bigotry had not lighted; and he might have deplored desolation not caused by the blighting shade of the convent. The conflagration of towns—the devastation of whole provinces—the massacre of half a people were before his eyes; but these unhappily were *real* and recent scenes, and Lord George’s poetry

poetry is too refined and subtilized for actual existence: In the quiet seclusion and religious shades of N. S. da Penha, which the English army covered from profanation, he was at leisure to remember all the enormities of the 'tyrant superstition,' and to forget the tender mercies of Massena's invasion.

Through the next seven pages the author proceeds in a high strain of poetry, of which we humbly confess we can give the reader no other account than, that we find in *The Argument* the following passage.

'The performance of the duties of religion by no means necessarily, or inseparably connected with the artificial gloom inspired by the seclusion of the cloister.'

'The divine Being *perhaps* to be worshipped with feelings of a more exalted devotion in his works, as displayed in an extensive prospect.'

If we could have found the corresponding lines in the poem, we should quote them, but we have really found it impossible to select from the seven pages any passage which was capable of bearing this or any other meaning. There is indeed something, which to our understanding, is like a shipwreck, but as the *argument* says nothing of any such event, it is possible that we may have mistaken the description of some part of 'the cloister' for it; and lest we should mislead the reader, we leave the choice to his unbiassed judgment.

But whatever this passage be intended to represent, we are not, we hope, mistaken in selecting the following lines as the description of an 'atheist,' which the *argument* states as occurring in this part of the poem:

'And thou poor hopeless wretch! *if such there live*,—  
Too wise to feel, too haughty to believe,  
Poor worshipper of something undefined,  
The wreck of genius, twilight of the mind,  
That *seeks* high born above the sons of men,  
To pierce those shades unsought by mortal ken,  
And catch the *uncarthy* sounds of yonder sphere,  
Which crowding angels tremble while they hear.'—p. 23.

Of this picture (which is evidently intended as a pendant to the portrait of superstition,) we have certainly never seen the original; of what immediately follows we have indeed some recollection.

'Are these thy triumphs, this thy proudest aim,  
This, that first taught thy raptured flight to soar  
As the wild wanderings of some feverish hour  
Far above nature's calm and peaceful bound,  
To pause and hover o'er a dark profound,  
Where e'en *conjecture* ends, in the deep gloom  
Of doubt and death—?'

Our

Our readers will immediately perceive that we allude to the well-known soliloquy in the *Rovers*, where Rogero describes himself, in the character of Hope, 'sitting by the bottomless pool of Despondency, angling for impossibilities.' But though we doubt, with his lordship, whether 'any such there live' as the foregoing lines describe, there is one passage that not a little disturbs us. We flatter ourselves that we are not obnoxious to the charge of atheism, and yet, we are really unable to answer certain questions, which our noble Inquisitor, with the assistance of Job, (upon whose patience, by the bye, he piously calculates,) propounds as infallible tests for detecting latent atheists:—

'— Canst thou trace the birth sublime  
Of infant nature, or the march of time?  
Tell how the wakening spheres in concave high  
First caught the strains of heaven-born melody,  
Owned thro' the brightning vault its mystic sound,  
And 'gan with time itself their everlasting round?  
And 'til 'tis given to thy mental sense,  
O'er boundless space to scan omnipotence?'—p. 25.

We know not how far the noble author might have proceeded in these theological discussions, had not his rapturous admiration of the works of nature fortunately brought a cork tree to his recollection—the cork tree reminded him of Cintra—Cintra of Lisbon—Lisbon of all the kings and queens of Portugal, and his Pegasus, 'right glad to miss the lumbering of the wheels' of controversy, gallops along the high road of history, to the conclusion of the first part of the poem.

We cannot enter into an examination of this portion of the work, nor venture to give any opinion on the merits of the Alfonzos, Emanuels, Johns, Jozes, and Joachims, who 'come like shadows and so depart;' because, unhappily, the two great sources of information on which we relied, are, on this topic, entirely at variance. The *Argument* states these persons to be 'ancient Portugeeze worthies;' the notes shew them to be some of the greatest monsters that ever scourged mankind; and as the text is *equally* irreconcilable with either of these descriptions, we retire from the responsibility of deciding between them.

The second part of this poem has all the beauties of the first, with some which are peculiarly its own. Of the latter, the most striking is that, though it still bears the name of Portugal, it chiefly relates to the United Kingdom of Great Britain and Ireland: there are, indeed, several patriotic allusions in the first part also, but the second amplifies and repeats them with greater tenderness. Thus, in the former part we read,

\* Seaward

' Seaward I stretched my view, where to the west,  
The sun *beam* lingered on the ocean's breast,  
Where soft the *Atlantic* wooed the *dying breeze*,  
On the smooth surface of his *waveless seas*,  
On my own land the evening seemed to *smile*,  
And, fondly tarrying, pause o'er *Britain's isle*.'—p. 10.

This is so exquisite that we were not surprized that the author's partiality induced him to insert it again in the second part, with slight variations of the expression, but none, we are glad to observe, of the meaning.

' England, my country!—generous, great, and brave,  
Tho' far between us yon Atlantic wave  
Stretches his giant arm—at evening still,  
As slow my footsteps climb yon heath clad hill,  
High on its *butting* top I'll bless the *smile*  
Of the last *beam* that gilds my native *isle*.  
Trace these, in fancy, o'er the *waveless seas*,  
Catch thy faint accents in the *whispering breeze*,' &c.—p. 75.

When the noble author thus imitates himself, we are not to wonder, and still less to lament that he has on several occasions copied with great accuracy and taste several other poets. In a few instances, however, impartiality obliges us to say, that the imitation is rather too close; we doubt whether it was prudent to adopt so exactly from the Vision of Don Roderic, the description of the soldiers of England, Scotland, and Ireland, and to apply to the battle of Busaco precisely the same traits which Mr. Scot had given to the battle of Albuera.

We should be sorry, however, (without offence to any poet,) that Lord George Grenville should resign his individual style, and lose any portion of his originality. Could the study of any model furnish him with more beautiful lines than the following?—

' Call it not false, when faery *fingers shed*  
Their twilight *visions* o'er the wanderer's head,  
And Feeling *wakes* to morning's pensive eye  
The living *image* of each kindred *tie*,  
Call it not false.'—p. 77.

Whence could he copy such delineations of natural objects as the following? The sea in a storm

' Rises, in foamy wrath, his *frowning* face  
And bows the welkin to his rude embrace.'—p. 21.

The sun;

' ——— red in clouds the Sun of battle *rode*,  
And *pour'd* on Britain's front its favouring *flood*.'—p. 68.

The moon;

' The dewy Moon a *thankless vigil* keeps.'—p. 85.

An



An island;

‘——— ocean, with affection wild,  
Clasps to her heaving breast her favourite child.’—p. 81.

Sheep or snow (it is not clear which) on a mountain;

‘——— the mountain’s topmost pride,  
The fleecy tract that decks its glimmering side.’—p. 5.

An army marching through a defile;

‘——— they, who burst the wizard spell  
Of nature, shrined within her peaceful dell.’—p. 58.

A ghost appearing;

‘But who is he, who from the wide expanse  
Of unseen distance moves?’—p. 48.

Of passages similar or even superior to these, the store is inexhaustible; one is so characteristically excellent, that we cannot but recommend it to particular attention—it is the description of the morning of the day on which the battle of Busaco was fought.

‘The unwilling sun from out his heathy bed,  
In tearful moisture raised his shaded head;  
Paused in his giant course, then bending slow,  
Gazed on the embattled throng that moved below;  
Sought with dark blush the Empyrean’s breast,  
And veiled in purer air his conscious crest.’—p. 55.

We do not recollect seeing the sun on the 27th September, 1810; those, however, who were so fortunate as to behold this unwilling, tearful, shaded, giant, bending, gazing, seeking, blushing, veiling and conscious luminary, must have assisted at his levee,

*Nil oriturum aliàs, nil ortum tale fatentes.*

But it is in the part of ‘Portugal’ which relates to the *United Kingdom*, that the peculiarity of the author’s manner is most striking, and the feeling which causes it most apparent. Between the husbanding system of his party, and the peninsular policy of their adversaries, he is so unwilling to decide, that we doubt whether he applauds or reprobates the war in Portugal, and is most inclined to hope or to despair of the public fortunes of his country.

This moment, he hails Britain as

‘——— the loveliest, bravest, best,  
Cradle of worth, of liberty, and rest,  
The last stout bulwark of a tottering world,’—p. 81.

the next, he sees her

‘Weigh’d to the earth,—by countless foes oppress,  
The iron dint has entered to her breast,  
In fatal pomp her gory ensigns wave,  
And Europe’s shores are but her soldiers grave.’—p. 82.

Then

Then again she looks up a little, and appears as one

‘————— whose form,  
Like her own oak, ne’er trembled in the storm.’—p. 89.

The reader will easily perceive that these and similar passages are shrouded in oracular darkness. In our wish to reconcile them, we had recourse, as usual, to the *notes*, where we found, in reference to this part of the subject, two quotations from Exodus, the first of which, as being most to the point, it will perhaps be sufficient to give.

‘And the blood shall be to you for a token upon the houses where you are, and when I see the blood I will pass over you, and the plague shall not be upon you to destroy you when I smite the land of Egypt.’—Exodus, c. xii. 8. 13.

This exposition was not, at first sight, very promising; but by a careful collation of the note with the text, we are enabled to state with some confidence, that the author’s meaning must be this, that as the destroying angel spared the houses that *were* marked with blood; so shall he spare England, because she is *not* marked with blood.\* This explanation is in the best style of the ancient sooth-sayers: but lest there should be readers so uncandid as not to admit its applicability to the noble lord’s topic, we shall state the elucidation which the *argument* affords, of these different passages,

‘I turn to the ocean,—England—the feelings of joy occasioned by the recollection of our native country, and the pride with which we contemplate her present gallant struggle in the cause of Europe, *PERHAPS* a little damped by reflecting upon the scenes of misery which *inevitably* accompany war, *wherever it is found*, as well as upon the severe and irretrievable loss of valuable lives she has herself sustained in its prosecution.’

The noble lord thinks the war *perhaps* glorious, and we infer that he thinks it *perhaps* necessary; but it is *perhaps* a natural damper of the feelings which *such* a war should excite, to recollect that *war in the abstract* is attended with some human misery. This reasoning, which is perfectly clear and irrefragable, leads his lordship to a conclusion which approaches very nearly to the declared opinion of his noble relatives, that as war, *wherever it is to be found*, is attended with local evil, it would be prudent, instead of carrying it abroad, to permit it to come amongst us at home.

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\* It is but justice to observe that the author is not less happy in his profane than in his scriptural references. We never met with a more surprising instance of illustration by an apt classical allusion, than the following.

‘Nor rouse to save tho’ ruin sap the wall.’—p. 58.

This is the text; the note follows.

————— tanti tibi non sit opaci  
Omnis arena Tagi, quodque in mare volvitur aurum  
Ut somno careas.—Juv. Sat. iii.—p. 106.

It is a scourge which ought by no means to be inflicted by us upon the French on any part of the continent of Europe; but it may very properly be visited (as surgeons try experiments, 'in corpore vili') on the Turks, Egyptians, or South Americans: when directed against Ciudad Rodrigo or Badajos, it is a miserable waste of strength; but when waged upon Alexandria or Buenos Ayres, it is good husbandry and statesman-like resolution.

The last four lines of the poem, in which he dissuades England from toiling for fame or glory; and in which, because she is stout and able, he exhorts her by no means to fight; till she is forced to fight for her life, are of so high a strain of public spirit as well as poetry, that we cannot refrain from quoting them.

'Let others toil for fame, thy veteran ray  
Beams yet undimmed, nor knows, nor fears decay,  
Virtue thy cause, thy birthright liberty,  
*Fight England but for life, and live but to be free!*'—p. 92.

We must here, admonished by our contracting limits, conclude our review of this excellent work. We can only hope that what we have said will not damp the curiosity of the reader, nor induce him to take our opinion upon a poem, which we promise him he will find, upon one or two perusals, (we recommend two at least,) to exceed any idea that we have been able to convey of it.

ART. IX. *Observations on the Criminal Law of England, as it relates to Capital Punishments, and on the Mode in which it is administered.* By Sir Samuel Romilly. London.

THIS able and luminous pamphlet, which was published two years ago, was intended to convey to the public the substance of a speech delivered by the author in the House of Commons, (9th February, 1810,) on moving for leave to bring in a series of bills to repeal the acts of 10 and 11 William III. 12 Anne, and 24 Geo. II. which make the crimes of 'privately stealing in a shop, goods of the value of five shillings; or in a dwelling house, or on board a vessel in a navigable river, property of the value of forty shillings, capital felonies.' The publication took place while the fate of the bills was still depending in parliament. On the 2d of May, the motion for a repeal of the capital punishment for the larceny in a dwelling-house was rejected by a small majority. Soon after, the second bill, relating to larceny in a shop, was carried in the House of Commons without a division; but its progress was stopped in the House of Lords by a majority of three to one. At the end of the same session, the third bill, from the pressure of business, was given

given up without having come to a final hearing. The legislative question having been thus disposed of, for a time, the pamphlet itself remains as a memorial of the author's views and reasonings upon one branch of the criminal law of our land.

An argument which submits to competent authority, does not immediately forfeit, as a matter of course, all esteem either with the author of it, or with many of his reflecting readers, who, although they delegate their public voice, reserve their judgment to themselves. In the present instance, if the learned author still holds the same unshaken confidence in the justness of his principles, he probably will not consent to abandon, on the first failure, this attempt to humanize the laws of his country in the few cases where they appear to have departed from their usual spirit of a judicious and temperate severity. But were all expectation gone, of seeing his proposed improvement carried into effect, we should only be the more inclined to bear our humble testimony to the principle of it, and pay a few literary obsequies to a fallen speculation.

By the law as it now stands, the offences which we have already described are punishable with death. But the statutes which enjoin that punishment are not put in execution, except in a very few rare examples. From the records of the criminal courts, (*Observ. p. 11.*) we find that, in a period of seven years, from 1802 to 1809, inclusive, out of 508 persons, capitally convicted in London and Middlesex, 67 suffered the sentence of the law; these convictions including, it must be observed, every species of capital offence. By other tables of information it appears that, within the same period, there were committed to Newgate for trial, charged with the crime of stealing in dwelling-houses, 1013 persons; of shoplifting 859. The number of capital convictions obtained upon these charges is not easy to be ascertained: but of the persons so charged, one only was executed.

Such are some of the phenomena of the criminal courts at a recent time; and from them it is plain that the letter of the penal law, and the administration of it, as to the statutes already cited, are as widely at variance with each other as life and death can be. The documents that have been published are not so complete as could be wished in some other points, but particularly in that which respects the comparison of the actual convictions under each statute, with the instances in which the penalty has been enforced. But by arguing from the two general statements which we have just now given, and assuming, as a probable conjecture, that some proportion between a fourth and an eighth of the 1879 charged with those larcenies may have been found guilty of the capital part, the result will be that the law should seem to hold its course of rigour, without any violent inequality, against the more

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atrocious crimes, while the sentence of it is so rarely enforced upon the offences of capital theft, that usage has, in fact, anticipated that repeal of the statutes in question which it has been proposed to the legislature to enact.

No one blames this laxity in the administration of laws of unmeasured and revolting rigour. It brings them more nearly to the point where they ought to be. It vindicates the national character; upholds the distinction between cruelty and justice; and puts the means of redress on better conditions to the community. Those tribunals which have thought to keep order by a ferocious system of vindictive justice, have forgotten that such a system maintained in vigour must do away the dutiful respect and confidence which human beings ought to feel towards the laws under which they live; that it must alienate the humane and moderate, who most deserve to be protected, and harden the minds of a rougher cast by the spectacle of sanguinary or frequent executions. When life is made a cheap and vulgar thing by the laws themselves, to what principle of human nature can they apply for an effectual sanction? It may be right to remind men who are for making thorough work in the business of legislation, that it is better that some evils should be endured than that others should be done. All punishment is a sore and painful evil, not more to the offender than to the state which inflicts it. Not only, therefore, does it become a duty in the state to take care that the least measure of punishment that is sufficient, be inflicted, but sometimes to forego a remedy, which would put the common sense of humanity and justice to too severe a trial. Laws cannot do every thing we might wish, and we do wrong in acting as if we thought they could when strained to it. As they are human contrivances, partial inefficiency cannot be a heavy reproach to them; but as they are made by man against man, extreme severity must be so. Let it be granted that the first duty of the legislature is to give the citizen protection in his rights and property. Unquestionable, however, as this duty is, the performance of it must be attempted with those abatements and qualifications of prudence, which will give a more beneficial enjoyment of the object, than a keen, morose, and peremptory pursuit of it at all hazards. By no severity, inflicted as well as denounced, could crimes ever be wholly extirpated. Beyond a certain point, therefore, there may be an increase of severity that is a useless excess, and gains nothing but odium and obstruction to the course of justice. The true aim of legal rigour must be to make a compromise with things which it cannot subdue, and abate the prevalence of fraud and outrage so far as to render life tolerably secure. On this moderated scheme, which agrees best with the imperfection of the world in its means of power, and its destiny of happiness, law may begin to econo-

mize in the evils which it is compelled to employ, and abate something of the sternness of its retaliations and inflictions.

Whether the three particular statutes we have to consider were ever meant to be literally executed has been made a doubt. That they are not executed, is the fact; and that they ought not, is on all hands admitted. They who are anxious for reform, think the result of the practice is right in the main, but desire to see the sanguinary statutes abolished, and other provisions introduced in their place more congenial to the spirit and opinions of the age, and more consistent with the actual administration of justice. Their request does not seem very unreasonable. They desire to have justice done according to the laws rather than in spite of them.

That lenity, which the sense and usage of the times have substituted for a regular execution of the law, is a benefit upon the whole, but obtained at the price of many and great inconveniences. For, first of all, in how many instances do the parties themselves, who have been sufferers, decline to prosecute, or to urge the prosecution, deterred by the inordinate hardship of the fate to which they may by possibility bring the culprit? The loss of property is a wrong which men do not bear with very remarkable patience; but neither the goading sense of that wrong, nor obedience to public duty, will be strong enough to carry men through the anxieties of a capital prosecution, unless they are rather more vindictive than they ought to be, or hardier patriots than can be expected. Whereas it has been said that sanguinary penalties rarely enforced, can inspire no terror; we conceive this to be a mistake. They do often inspire a very effectual terror into the person who is injured; though it may be doubted how far he is exactly the proper object of legal intimidation. Seldom as it is put in force, the very name and apprehension of the sentence of death is a detriment to the cause of justice with him, however weak it may be as a check to the violation of it with the offender. In this way, severe statutes become often a charter of impunity to the crimes which they were intended to punish.

Suppose, however, that a prosecutor is found, whether honest or vindictive; that a man who has lost a piece of cotton from his shop, or a few silver spoons from his closet, undertakes, with great labour and expense to himself, to push the offender to the peril of his life; we are only one step in advance. Few are so little acquainted with the proceedings in a court as not to know that the evidence brought there is way-laid with the same scruples which impede the first movements of the prosecution; that witnesses do not unfrequently appear to disguise and withhold the truth, the whole of which they are sworn to speak, from the 'dread of swearing away,' how innocently soever, a man's life, for a matter of five shillings;

shillings; and also that juries, under the same influence of tenderness towards that sacred deposit of life, have been led to make up their verdict by some other rule of judgment than that which their oath prescribes; and, finally, that when these several arbitrary corrections have been applied to the law, and rescued many from its grasp, the hand of justice is stayed towards others, after sentence passed, and when it is in the very act to strike, by the intercession, or the immediate mercy of the bench; so that the whole train of the judicial proceeding might be taken for an arrangement to protect the culprit, and to save him, if not from all punishment, certainly from that which the legislature has appointed.

Now, supposing that the ultimate distribution of penal justice by a mode so extraordinary is as good to the full for the present moment, as it would be by an amended system, explicitly laid down in law, which, however, is too much to be conceded, still the mode seems fraught with irregularities and inconveniences which it might be expedient to correct. The tone of lenient and equitable dealing, which has made its way into our courts, would be a more secure and legitimate benefit if it were invested with the force of the legislative sanction. We have it and have it not. It is only an equivocal possession. Being a practice, why should it not be a law? It is a wholesome irregularity; why not adopt it into the public code? As the matter now is, courts of justice, most contrary to their true functions, become the legislative body: for such they are when the law is to be modified by them in the application of it to the particular case, according to measures and principles which are no where to be found but in their own occasional and recent practice. Most thankfully do we acknowledge that English courts are no wguided by an enlightened feeling of what is upright and just. But what security is there for the permanence of this spirit? or for its steady and uniform tenour of operation, while it continues? The fluctuations that may, nay, must ensue, from differences of character in the judge or jury; from his particular course of legal observation, or his construction of what the public good requires; seem far to exceed those useful or passable inequalities which come within the meaning of a reasonable discretion. An *ex post facto* law is universally held to be a grievance; but are there not many of the objectionable ingredients of such a law contained in a practice which leaves it in the breast of jurors or judges to decide by what name the offence shall be described, and to vary the sentence from a short imprisonment to the loss of life? In this latitude of power the joint interpretation of the several members of the court does, to all intents and purposes, make the law, for the immediate case; an interpretation which is quite a precarious



and modern thing, guarded by no positive rules of statute, precedent, or any other authentic and systematic direction.

It is a truth we all believe, that known and written laws are the only safeguard of liberty, justice, and public order. It is another, as little to be denied, that no provisional wisdom can draw out a plan of statutes so complete in the enumeration of the lower genera and species of crime as to present a definite idea of the guilt and measure of punishment that shall tally exactly with the real case, and reduce the whole affair of justice to a technical reference to the statute-book. A legislative Linnaeus is out of the question. The operose detail could never be carried far enough for the end in view, though it might soon be done to an extent which would cramp the interests of justice, and might lower that high sense of duty and the superior intelligence which are now seen upon the bench, so greatly to the public benefit.

Both of these maxims being equally true, and, perhaps, equally important, it remains to harmonize them, and make them act together. How far each should be studied is difficult to define in words, and is best determined by the occasion. But we hope that no statesman will content himself with standing exclusively on either of them alone, or contend so much for the ascendancy of the one as virtually to set the other aside. On the judicious accommodation of conflicting principles, and a mixed feeling for different ends, depends almost every thing practically useful in matters of government and legislation. Society exists by the union of restraint and freedom; and there must be more or less of these two qualities in every subordinate function in it. But those who plead for the expedience of bringing the administration of the penal law more precisely under the dominion of known restrictions, can hardly be thought to encroach too far on the freedom of courts, when they except from it the general commutation of life and death, and would take from them the power of pronouncing a sentence which, of their own accord, they forbear to execute above once in three or four hundred times. Nor is it a reform that threatens to encumber the statute law very grievously, when they would select some of the chief and palpable differences which common sense might point out, in the enormity of the same general offence, and make those differences the subject of a distinct enactment. In doing which they would willingly avail themselves of every light and assistance that can be had from a review of what has been the practice.

But it is urged that the threat of death is of use, under all the infrequency of it; that men fear what may be inflicted be it ever so seldom. We may well hesitate to admit this; for, considering the

the perverse and infatuated calculations which the folly of a dishonest mind is known to indulge, and the remoteness of the chance upon any calculation, as far as these statutes are concerned, we may doubt whether a single crime have been checked by the odd example or two which may have been made in the memory of the present house-plundering and shoplifting practice. In the debate between villany and prudence, such solitary examples pass perhaps for little or nothing—if they are even remembered at all; and yet the efficacy of them has been rated so highly, that the great stress of the legislative question has been laid upon them. But if we take into account the greater promptitude there would be to pursue the offence, when the capital threat was completely done away, we may rest satisfied, that nothing would be lost to the laws on the score of useful fear. A person high in station, and whose opinions on the whole of this subject deserve the greatest deference, has observed, indeed, that in the experience of criminal courts no unwillingness can be seen in prosecutors to do their utmost against the criminal. It is very material, however, to remark, that if this observation be correct still it can be made only on those who stir a prosecution and bring it into court. The many who accept their loss, and do not choose to punish themselves by becoming prosecutors, are not seen in that place.

But—there is danger in every change. The salutary mistrust of innovation is a feeling we do not wish to see impaired. Let every change that is proposed bring with it the strongest credentials; let it be shewn to be not only good in the design, but safe by its agreement with what we already enjoy. It may be good in the abstract; but not for us: we may have prejudices or interests of another kind, which may be shocked by the intrusion of the benefit. But what is there in all this caution which is not fully secured in the amendment before us? That amendment goes to establish, by the legislature, what is already adopted by a precarious practice. The previous dispositions of men and things, which are wanted for the sober conduct of every improvement, are here all in-being already; in the very same persons and functions that are to be the medium of the change. And although it may appear to some a matter of little moment whether we hold a benefit by a law, or a custom against a law; by a sufferance, or a sanction; we are not ashamed of preferring the direct and unequivocal assurance of the public faith in a declaratory law as the best basis for a beneficial practice.

If, for nothing else, to preserve the sanctity of an oath, it appears desirable that the law should be altered. Are we safe when jurors, who are to bear a part in doing justice, are laid under a temptation to violate and elude the strongest pledge of it? If, in the zeal of their humanity, they have returned verdicts, as they often

have, which it is not easy to reconcile with their oath, we must point to the law for corrupting its own spring. This is done, indeed, for the sake of mercy; and the casuistry of the virtues is not so bad as perjury that is wilful or corrupt. But the wiser method would be, to relieve them, as far as may be, from the occasion of chicaning between their duties, and lay the way of mercy more open to them, since they will break the fences to get at it.

Some remarkable evidence of this evil is given by Sir S. Romilly in a note subjoined to his pamphlet, from which we shall make an extract or two.

‘ In the year 1731-2, which was only thirty-two years after the act of King William, and only sixteen after the act of Queen Ann, a period during which there had scarcely been any sensible diminution in the value of money, it appears from the sessions papers that, of thirty-three persons indicted at the Old Bailey for stealing privately in shops, warehouses, or stables, goods to the value of five shillings and upwards, only one was convicted, twelve were acquitted, and twenty were found guilty of the theft, but the things stolen were found to be worth less than five shillings. Of fifty-two persons tried in the same year at the Old Bailey, for stealing in dwelling-houses, money, or other property, of the value of forty-shillings, only six were convicted, twenty-three were acquitted, and twenty-three were convicted of the larceny, but saved from a capital punishment by the jury stating the stolen property to be of less value than forty shillings. In the following years the numbers do not differ very materially from those in the year 1731.

‘ Some of the cases which occurred about this time are of such a kind, that it is difficult to imagine by what casuistry the jury could have been reconciled to their verdict. It may be proper to mention a few of them.—Elizabeth Hobbs was tried in September 1732, for stealing in a dwelling-house one broad piece, two guineas, two half guineas, and forty-four shillings, in money. She confessed the fact, and the jury found her guilty, but found that the money stolen was worth only thirty-nine shillings. Mary Bradley, in May 1732, was indicted for stealing in a dwelling-house, lace which she had offered to sell for twelve guineas, and for which she had refused to take eight guineas; the jury, however, who found her guilty, found the lace to be worth no more than thirty-nine shillings. William Sherrington, in October 1732, was indicted for stealing privately in a shop, goods which he had actually sold for 11. 5s. and the jury found that they were worth only 4s. 10d.

‘ In the case of Michael Allom, indicted in February 1733, for privately stealing in a shop forty-three dozen pairs of stockings, value 3l. 10s. It was proved that the prisoner had sold them for a guinea and a half, to a witness who was produced on the trial, and yet the jury found him guilty of stealing what was only of the value of 4s. 10d. In another case, that of George Dawson and Joseph Hitch, also indicted in February 1733, it appeared that the two prisoners, in company together at the same time, stole the same goods privately in a shop, and the jury found

one guilty to the amount of 4s. 10d. and the other to the amount of 5s. that is, that the same goods were at one and the same moment of different values. This monstrous proceeding is accounted for by finding that Dawson, who was capitally convicted, had been tried before at the same sessions for a similar offence, and had been convicted of stealing to the amount only of 4s. 10d. The jury seem to have thought, that having had the benefit of their indulgence once, he was not entitled to it a second time, or in other words, that having once had a pardon at their hands, he had no further claims upon their mercy.—pp. 66, 67.

It is satisfactory to think we are reciting here the verdicts of a former time. As the Bench, then, was little in the habit of applying for, or exercising the prerogative of mercy, the jury must have felt that it rested almost entirely with them to decide upon the prisoner's fate. The general lenity of the judge has now superseded a good deal of their extra-official service. But there is reason to believe they are still ready in many cases of lighter guilt, to save the criminal by a forced mitigation of their verdict, rather than make over the whole of the act of grace to another quarter. In the little that we have seen ourselves, such appears to have been their leaning. The fact is probable in itself. And many who speak from larger and legal experience affirm it. To recal juries therefore to their precise duty, we should be glad to see one inducement to swerve from it taken away.

By whatever cause the jurisprudence of the country is turned afloat, the discredit and evil consequence of it are apparent; but they are the worst when the supreme officer of justice bears himself an unsteady hand. Yet it has occurred that criminals have been tried for one and the same offence in which they were equally concerned, and went hand in hand, but being tried by different judges have learnt that equal guilt is by no means sure of receiving equal punishment. A case in illustration of this is given (*Observ. p. 18.*) with the names of the judges and the circuit; so strong a case indeed that we shall not quote it in words: but the result was, that without a shade of difference in the act, or the character, of the two criminals, one was sentenced to a few months imprisonment, the other, who came before a different judge at the next assizes, was transported. Choosing rather to draw a veil over the particular case, as it is a recent one, we take the right of alluding to it so far as to urge, that since no rectitude or purity of intention in the wisest men will guide them to think and decide alike, the legislature is bound to come forward in aid of their duties, and grant them the benefit of instructions to act by. While the other courts have a fixed usage, a doctrine, or a body of precedents to enable them to interpret what the law says, or supply what it does not say,

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with some kind of system and order; the criminal courts that are charged with the execution of the three extreme penal statutes we are considering, have at this day neither compass nor meridian to steer by, but are tossed between a rigid law and a lax practice, and all the chasm between, filled up with varieties of anomalous judgments, mitigations, equitable abuses, and cross examples; the theory and principle of which are no where recorded, having vanished with the circuit, or the judge who acted upon them. Where the king's highway ends, and nothing is left but to strike out upon the common, we know what a choice of tracks are always to be seen, to perplex the traveller who has his way to seek; and people are agreed that a few finger posts would be a clear improvement. A new judge in a criminal court, who has to administer the acts of 10 and 11 William III. and 12 Anne, is placed in the same situation; and the reasons are not very obvious, why the legislature should decline to take a survey of the open country he has to travel, leaving him wholly to rely on his own sense.

And so much for the considerations that prevail with us for the expediency of repealing these statutes, and declaring the law a-new more explicitly, as far as they are concerned.

But as the author has taken something of a wider range in his remarks, which were only preliminary to the debate upon the direct question, we ought, perhaps, to extend our line a little farther, to notice some of his general or collateral topics.

If in an argument, which has raised the opinion we had entertained before of the author's energy and sagacity of mind, there be any thing we could wish to see altered, it is an occasional symptom of more favour than we think is due to a plausible theory which professes to punish, according to the moral guilt of the offence. Law and ethics, friendly as they are to each other, cannot, we apprehend, be brought into so strict a union. Although the laws are in the mass, a promulgation of moral duty, and to some men the only code of duty; yet after all, they are apt to be very indifferent moralists, because while they teach men to abstain from rapine, theft and violence, their chief design, at least in all great and populous states it must be so, is to preserve the peace and civil welfare of the community, and to take care of the rights of those who may suffer injury, more than the conscience of those who may do it. Here is a wide difference then in the object of law and morals.

Again, the depravity of some crimes is on a par with the inconvenience of them. They pour forth all their poison on the world, and are immoralities and nuisances, at once, in the same degree. But in others there is no common measure between the public detriment

triment of the action, and the demerit of the doer of it: and in this respect the private and the political ethics will vary.

Nay, harsh as it may sound, the artificial law of society, and the natural law, are sometimes obliged to judge of the same actions on principles directly opposite, and with the best reason for it. What is there that can extenuate a crime more in the eye of nature, than if it be done under a strong and general temptation; and if it be easy to commit, and hard to be discovered? Yet these are the very circumstances which, in the abstract view of the penal law, become aggravations. It undertakes to check something that is amiss: temptations, inducements and facilities only irritate it, therefore, to more rigorous coercion. It has to deal with a numerous host of petty enormities which could never be pursued in the detail one by one; but since upon the whole they make a serious invasion on the public, it is obliged to arm itself with the greater terrors, to keep them down by the compendious policy of severe example: a policy which is just, because it is necessary, and does the thing intended with the least expense of human suffering.

Sir S. Romilly has drawn a contrast between the unequal measures of guilt and punishment in the case of a guardian who steals the property of his ward, and a shop-lifter who takes a few yards of lace or ribbon, and nothing can be more defective than our law, if these crimes ought to be punished according to their comparative deserts.

The violation of a guardian's trust is certainly a crime of such a kind as infinitely to surpass the every-day matter of the annals of larceny. But if it should be thought proper to make a new adjustment of the laws between these two offences, still we could by no means consent to make the moral scale the rule of punishment for them. Without refining too much, these objections to it seem valid. Breach of trust in a guardian is not likely to be common. He is a selected person; and the selection almost ensures the trust. If the opportunity to offend be great, so is the chance of detection; and flagrant, unpitied shame, the consequence. These are checks to every one; but most powerful in a rank of life, where character is the great stake: by the spontaneous action of these causes, the villany is fettered; and when it breaks out, punished too; so that what remains to be done by positive law is so much the less.

It would not then be a preposterous lenity in the law, but a wise and equitable temperament of its power towards the several interests it has in charge, to vary its penalties according to some closer construction of what it ought to do, than can be drawn from an estimate either of the pecuniary amount, or the intrinsic turpitude of the theft. Penal sanctions are only auxiliary to the other restraints

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straints are in being, before we can proceed to pair crimes and penalties together by any scheme of mathematical ratio.

The primary social restraints which exist independently of law, and contain in them the best spirit of society, will always deserve to have the appeal first made to them, wherever they can be supposed to act with any force at all; and to have their paramount value acknowledged on the face of the statute book; first, by its declining to take the cause out of their cognizance; or next, by shewing itself unwilling to stigmatize the failure of their authority, by tendering in their place the grosser and more shocking kinds of punishment. And as laws, when they are once made, ought to be executed with unrelenting impartiality between man and man, it seems the more necessary to provide in making them, not to tarnish the better orders and motives of society. On this account, however we may detest the guardian who defrauds his ward, or the governor who plunders a province, we should be sorry to see them tried under a statute of larceny; or read their names among the convicts sentenced to hard labour on board the hulks, or in a penitentiary house.

But we have been opposing an idea of criminal law concerning which we are not certain whether it be really adopted by the author, or only employed by him as an *argumentum ad hominem*, in a turn of his controversy with Dr. Paley, whose whole doctrine on crimes and punishments he has endeavoured to refute.

It may be officious, and not perfectly safe for us to step in between two such disputants, and try to make their differences appear not quite so great as one of them might lead us to imagine, by the very exact and elaborate refutation of his opponent, which he has attempted: and yet only to hint a belief of this kind would be less respectful than to state the grounds of it: which we shall therefore do, as briefly as we can.

Dr. Paley\* is the advocate of a system which 'assigns capital punishments to many kinds of offences, but inflicts it only upon a few examples of each kind.' In this view he includes the great body of our capital statutes collectively; many of which, or rather most of them were, at the time when he wrote, and still continue to be executed, frequently enough to make the dread of the law very sensibly felt. This is true, not only of crimes the most atrocious, as murders, rapes, burning of houses, and forgeries; but also of sheepstealing, horsestealing, burglaries, and highway robberies, which are punished with death in a number of instances sufficient for an operative example. What is the kind of proportion, we can learn only by a rude estimate, of which the elements are, that

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\* Moral Philosophy, book vi. c. 9.



out of 528 persons capitally convicted for crimes of every description, about an eighth suffered the sentence; but since there are included in this account the convictions for larceny, which probably made up half of the whole, whereas only one execution for larceny took place; it follows that the grants of mercy for other crimes must have been in a much lower proportion than that general average would indicate, and perhaps did not exceed three cases out of four. The whole balance of the calculation is deranged by the single article of the larcenies being included; on one side they double the convictions, while on the fatal side of the account there is only a unit to be added for them.

Now had the question been put to Dr. Paley, whether he would defend a statute which creates a capital theft, with the condition of the sentence being almost universally remitted; it is clear from the whole tenour of his principles that he would have given his voice for the repeal of that mockery of legal terror. In his system there was some moderate proportion between the frequency of executing, and remitting the law. The fact as he took it and has expressed it, supposes the ratio to be one to ten: which, notwithstanding the confidence of adventurers in crime, will not make such a tempting 'lottery,' as every one must allow is now open for speculators upon the property of shops and dwelling-houses. Dr. Paley's work was written about thirty years ago, when the sentence of the law was much more steadily inflicted, even upon the larcenies in question, than it is at the present day; and by referring to his expressions, which are of this sort,—'By this expedient, few actually suffer death, whilst the dread and danger of it hang over the crimes of many.—The tenderness of the law cannot be taken advantage of.—The life of the subject is spared as far as the purposes of restraint and intimidation permit;'—we may be satisfied he never meant that crimes which are committed every day, should be intimidated by a threat to be put in force once in six or seven years. In short, he defends sanguinary statutes, as useful, according to a certain standard of mixed severity and relaxation which he had in his mind when he wrote; that standard cannot be pretended to exist in the present argument—the conclusion is undeniable, that his authority is so far from being opposed to the immediate motion which Sir S. Romilly was about to make in parliament, that it might fairly have been quoted in favour of it.

But on the extent of discretionary power, in general, which ought to be reserved to a criminal court, these two authors differ beyond all hope of reconciliation. Dr. Paley had no conception of a dispensing power which was to contravene a statute; but he has taken the side of latitude; as Sir S. Romilly does of strictness.

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The one would make the judge the intuitive arbitrator of the law. The other would make the legislature the virtual judge; or to use his own forcible language, the law should be the rule; the relaxation of it, the exception. Upon the abstract question we feel little doubt in embracing it as a safer principle to narrow rather than to enlarge the commission of a judge, and to frame the laws in such a way that they may be, not with literal, but substantial exactness, a known, steady and immutable rule. A loose administration of law contradicts the first notions we have of justice, which no man ever thought of but as something uniform and fixed. Take this character from the law, and however it may inspire dread, it certainly will not command respect.

At the same time, for every purpose of practical improvement, we should think it the best policy to put the question, both as to discretionary power, and every other arrangement, on each measure, step by step: otherwise the best general principles may only mislead us, as none stumble oftener than those who are constantly looking at the stars.

It was no longer ago than the year 1808 that the offence of taking privately from the person above the value of twelvepence was punishable with death. So it was before the conquest; only there was a ransom, and he who could pay it saved his life. But in the time of Henry I. it was made strictly capital, and in the reign of Elizabeth debarred the benefit of clergy; and then neither ransom nor learning would do. During many a reign, and after the value of that sum was shrunk to nothing, we continued in love with the old Saxon denomination, and men were executed according to those antediluvian comparisons of life against money, or saved by the sovereign mercy of the court. \*Sir Henry Spelman had justly complained, that while every thing else was risen in its nominal value, and become dearer, the life of man had continually grown cheaper. Still we adhered to the constitutions of Athelstan, till Sir S. Romilly had the courage to make a stand against him, and obtained a repeal of his life-appraisement. But it must be observed also, to the honour of Dr. Paley, that he has written most forcibly in behalf of the same reform. He has the merit of having laid his finger upon the very law at which Sir S. Romilly began his work of improvement; and as we have had to remark upon the opinions in which these two distinguished persons differ, our readers may not be sorry to know that there are also some points of agreement between them.

The question on the necessity of capital punishment in general is by no means involved in the legislative measure which this pam-

\* Blackstone, book iv. 17.

phlet was intended to introduce and recommend. The laws which make certain kinds of small theft death, but are not executed, it may be fit to repeal simply on the ground of their non-execution, or of their excessive and disproportioned rigour. But the clearest reasons for revising such laws are placed at an immeasurable distance from the perils of that vast speculation, whether death might not be left out of the penal code altogether. The author has not declared himself in any positive terms upon this bold theory, nor given any cause to believe, as far as we can see, that he is a convert to it. The avowal of such a theory would certainly have created a greater opposition to the measure he had in hand; and therefore his silence may pass for caution with those who like to improve to the utmost every circumstance in a debate, and find more meaning in a speech or pamphlet than lies open to view. But we frankly own that this pamphlet does not bring the subject before us; a few ambiguous intimations in it of a leaning towards a milder system of penal law, may only be expressive of that humane feeling which will prompt many to indulge a wish for more than they seriously think possible to be done in lessening the ills of life. This is one of the cheap gratifications of every good mind, and of the wisest too, before it has strictly compared its ends and means together. Yet, since the subject has been started, and in connexion with the pamphlet, both by those who favoured the bills to which it was a prelude, and by those who were adverse to them, we shall not digress very far, if we propose a few hasty observations upon it.

They who speak as if they were for trying the experiment of a bloodless code of laws; if they should feel any scruple in taking the hazard of the theory upon their own wisdom, may avail themselves of some great names, Beccaria, Voltaire, and the Empress Catherine, as authorities for it. They are all foreigners, and perhaps there is a vulgar taste in many of our speculators at home to admire the wisdom of other countries, as we do their fashions; while the corps who have to officiate in the institutions of their country, carry their prejudices as far the other way. The right method would be to take foreign examples and opinions, as hints to be consulted, with this specific caution, that however strong in the general principles of reason, a stranger may seem to be, the case of our own country is not before him.

The Marquis Beccaria argues thus:—‘The sovereign power in the magistrate or laws is composed of those portions of personal liberty which the individual gives up to the state, that he may live under it: he makes the best bargain he can, and sacrifices only the smallest portion of his stock. The sovereign therefore can have no right over the life of a citizen—a right we may be sure he never parted

parted with. Besides, the citizen has no right over his own life, and therefore cannot, if he wished, give it to another.\*

The subtlety of this argument may perhaps entangle those who yet would never be governed by it. When laws are really to be made, we hope that statesmen will follow their unphilosophical sense, in making them at once merciful and effective; and that they will employ the obvious means to counteract crimes, without waiting to know whether those means are included in some clause of the surrender made to the public in the original compact—a compact which we highly revere, though we have never been able to interpret more than two or three of the leading articles contained in it.

But there is a fault in the argument of the humane philosopher which vitiates it even as an exercise of ingenious speculation. When men are supposed to negotiate originally with the state, they do it as innocent persons; they surrender something, to obtain, what? protection as honest men, certainly; not licence to do wrong. Were they making a treaty for theft and murder, the state would raise its demands upon them, far beyond the minime porzioni; it would hardly admit them to treat except with a cord about their neck; or to speak more correctly, it could hold no correspondence with them in that character. In a word, crimes cannot be favoured in the conditions of a compact, the two parties in which are leagued together expressly against crimes: and if they are united for a just purpose, the power and discretion of the confederacy are justly exerted to obtain it.

His lively commentator (Monsieur Voltaire) writes upon the subject in another style. 'It is high time,' he says, 'to tell the world that a man who is hanged is good for nothing; and that punishments which were intended for the good of society, should be useful to society. It is plain that twenty stout robbers, condemned to the public works, serve the state by their punishment; whereas when they are put to death, they benefit nobody but the executioner.'

But with Monsieur Voltaire's leave, the poor wretch who is brought to such an end, may be good for many things, and among others to shew how ill a philosopher may reason upon him. He may be good to save his fellows from the same fate, and the life and property of honest men besides. *Stat magni nominis umbra*. If he cannot beat hemp, or repair the fortifications, he may teach

\* His words are, 'Qual può essere il diritto, che si attribuiscono gli uomini di trucidare i loro simili? Non certamente quello, da cui risultano la sovranità e le leggi. Esse non sono che una somma di minime porzioni della privata libertà di ciascuno.— Chi è mai colui, che abbia voluto lasciare ad altri uomini l'arbitrio di ucciderlo? Come mai nel minimo sacrificio della libertà di ciascuno vi può essere quello del massimo tra tutt' i beni, la vita?' *Dei Delitt.* &c. § xvi.

hundreds to be honest and industrious, and that is no small use in a man whether living or dead,

‘ ———fungi vice cotis, acutum  
Reddere quæ ferrum valet, exsors ipsa secandi.’

Before laws are made or unmade on the principle of being useful to the state, we ought to have good definitions of *être utile*, *servir*, &c. and know whether those phrases always mean work done with a spade or a mallet. For anxious as we are to have it tried whether more humanity may not be infused into the English laws, we shall never think of enlarging upon the funds that may be raised by convict labour. Life is too sacred a thing to be either taken or spared on such considerations.

The Empress of all the Russias acquired the reputation of great tenderness for human life by a code of laws which contained no one capital punishment. Her predecessor Elizabeth had ordered justice to be administered in the same way. Elizabeth promised that no one should be put to death during her reign, and Voltaire says she kept her word. \*But unfortunately for the fame of her clemency, and the historian's exactness, there were many examples to the contrary; not to mention torture, and other cruel punishments worse than death, during her time. The edicts of a despotic government are one thing, its practice another; and Sir William Blackstone seems to have put too much faith in them when he described, as he has done with some encomiums, the total abolition of legal bloodshed under this princess, who yet was the most benevolent and forbearing of the sovereigns of Russia.

The constitutions of Catherine profess a deliberate abhorrence of taking away human life, which is ill supported by the events of her reign. She has condescended to transcribe into her Instructions for the Compilement of the Russian Code many of the sentiments of Beccaria, retaining his very words in her imperial homilies. We may remark in passing that her extracts from his essay are most judiciously chosen; for while she adopts his arguments against the use of death as a punishment, upon the account of its being less efficacious on the public feeling, than a more prolonged state of suffering; she omits every thing he has said respecting the original compact, and limitations of the sovereign right, arising from it, as doctrines not equally good to be taught in all countries.†

\* See Coxe's account of Russia. Penal Code.

† The imitation of a transcriber will be seen by reading cap. 16, dei Delitti e delle Pene; and sect. 4. art. 10. in the 'Instructions pour dresser la Code de Russie.'—We have some doubt as to the dates, but believe that Beccaria's work was published before that of the Empress.

It would be a happy thing to be able to borrow a precedent of lenity from the example of a despotic government; and as Russia stands indebted to the older states of Europe for her arts and manners, it would be a splendid compensation if she could give them a model of jurisprudence in return. But the phenomenon is too wonderful to be easily believed. An empire which only the other day was still 'in the woods,' can hardly have become perfect so soon in the most difficult of all the sciences. And what is the report of travellers as to the tried value of the code of Catherine? It is going daily into disuse. Or who will vouch for the fact of its having been truly administered even in her own life-time? Does her personal character permit us to suppose it? Is arbitrary power so faithful to the popular principles which it is known to assert in its official decrees and manifestos? Or does it not hold a privilege of dispensing with the laws in favour of severity when occasion requires? But be it so that this merciful code was actually administered, which it might very well be, where there was nothing more to be alleged against the criminal than his crime: we should be glad to see a report from the fifty provinces of the empire, whether men were at ease in their rights and property, safe in their homes, and slept securely under the superintendence of this indulgent system. Before we send a decemvirate of English lawyers to transcribe the imperial code at Moscow, it would be right to ascertain whether it has been found sufficient in the country which gave it birth. If to these suspicions, we add, that, although in Russia, death is nominally not the punishment, it often ensues from the mode in which other punishments are inflicted, we shall have little cause to envy them their plan of criminal law. Will humanity find her heart much relieved by turning from an execution to the sanguinary inflictions of the knout, or the slow deaths that make up the eternal living obituary of the Siberian mines? Nor should we forget that one of the most suspicious benefits of despotic power, is a pretence to make wrongs between man and man of easy atonement. This plausible lenity may be indifference to the welfare of those who ought to be more anxiously defended; or it may be a compromise of policy to be remiss in avenging the mutual wrongs of the subject, and severe in its own cause; for however cheap penal justice may have been in Russia for private injury, in no country have offences against the state or the sovereign been visited with more signal and unceremonious rigour. Upon the whole we expect to receive little assistance in the amendment of English law from a study of the Muscovian pandects.

Whatever the law chooses to make a punishment, becomes so in fact, is the maxim\* of Montesquieu, and copied also into the In-

\* *Esprit des Lois*, liv. vi. chap. 9.

structions of the Empress. Montesquieu however was far from supposing that laws could be kept without the last and fatal sanction to enforce them; and he has exposed the weakness of two or three of the Greek Emperors who made general vows and resolutions of dispensing with it.

Shame and civil disabilities are among the best resources of a penal code—but we must take care—for the law cannot absolutely create feelings, nor make a punishment of that which men themselves do not concur in making such. Those who are to be restrained by the law, must be first considered; for such as they are, such must the restraints be. If they are men who laugh at the conventional sway of opinion, and set civil life at defiance, there is no resource for the law, but in those feelings which men cannot renounce at will, the dread of pain, labour, and death. When the tigers are loose, it will be in vain to bring silken cords to bind them. Ineffectual coercion of crimes is in one sense even worse than impunity, for the offender is punished, and yet the peaceful citizen not protected, which is the end of punishment. The magistrate himself too becomes a party to the aggression, when he makes crimes a matter of eligible calculation to those who are ready to commit them.

If, then, a revival of our criminal law should take place, with the view of making it more temperate in its enactment, and more correct and certain in the application, we hope the interests of humanity will be placed upon the same foundation with the public good. The theories which we have seen, that promised to gratify our mind with some prospect of an improved jurisprudence, have only amused us with a perverse substitution of evil; and given us such kind of satisfaction as the exchange of too much fierceness in the law into too much boldness in crimes was likely to inspire. If they divested the magistrate of some of his painful and invidious duties, to make him appear more humane, they did not make him appear more respectable when, by the abdication of his trust, he was to be a tender-hearted spectator of multiplied disorders and miseries. In listening to their illusive panegyrics, upon legal and judicial lenity, we have found the Utopian dream cruelly disturbed by the cries of its own victims.

To make any real improvement we should think a statesman ought to set aside all theory, and begin by assuming nothing; that he should call before him an account of each law as it is now administered; the prevalence of the offence; the habits and condition of those who may be guilty of it, or affected by it; and after consulting the voice of the courts, as expressed in their practice, as well as the judgment of individuals who sit in them, should proceed to solicit in behalf of mercy such concessions as the actual state of the country



try will admit of, and the sense of it will support. He must work his way towards improvement; not jump at it. Such humanity will be safe, because it is progressive; before he quits the footing he now holds, he will see the ground on which he is to plant his next step. The present vigour and force of the laws will experience no interruption, but continue to circulate through the new channels laid for them.

In recommending a method less airy and ostentatious than will content the spirit of those who wish to get a name by making things better on a large scale; if there be any good sense in our advice, it must be taken as nearly an account of what Sir S. Romilly has done. His plan is the model we have been describing. He began with a single law; a very old one; so old indeed that it was time for it to be taken down, having stood in some shape as a capital law for a thousand years. We have already described what it was. This piece of obsolete and injudicious severity being reformed, he proceeded next to three statutes, nearly connected with each other in their subject; and with great temper of inquiry, and after a diligent examination of the mode in which they had been executed, submitted them to repeal. We do not think he could have selected three more meritorious candidates for amendment. But that is not the point at present; what we wish to suggest is, that whether his notions be right or wrong as to what he wished to effect, he has taken the only course of proceeding we ever wish to see followed; a patient examination of his subject, and a single and temperate effort at once.

We might embellish our pages, if we were so inclined, with many forcible quotations from Lord Bacon, (who had planned a revival of our laws, and has drawn an idea of what a good law ought to be,) from Stiernhook, the Swedish Blackstone; from Sir W. Blackstone himself; and from the recent work of Mr. Bentham on the Theory of Punishments and Rewards; to illustrate the superior value of certainty and precision in laws above severity, and expose the defects of those legislators who have spared their wisdom, and trusted all to their vigour. But we shall forbear to collect maxims and sentences; perhaps an opportunity will occur when we may be able to treat those points more fully and usefully than in a series of quotations.

To return to the three acts we have been speaking of; our readers will observe that they are of a date comparatively recent; having been passed in the reigns of William the Third, Queen Anne, and George the Second. The first two are levelled at offences which were capital before, but entitled to the benefit of clergy. The effect of the acts, therefore, was only to take away that plea of general grace. The time of their passing seems to mark

mark the increase of our wealth and commerce, which would contribute to render the crimes in question more frequent, as when the bees have filled their hive, the wasps will be there. In different stages of society there will be a succession of new crimes to exercise the vigilance of the law; and the general habits and state of the times cannot vary faster than the vices produced or fostered by them. In a ruder age the violent crimes will prevail; in a more civilized one, the meaner. We rather believe, however, that in a rude age there is much violence and baseness joined together; as none are more addicted to theft and sordid cunning than savages; but the atrocities throw the humbler vices into the shade, and cause them to be less felt in their own age, and less known in another. Commerce itself, however, is the fruitful mother of the crimes of theft in all their varieties; not more from the habits it bestows than the opportunity it affords to that offence. It pours in wealth in a shape the most convenient for plunder. The rural opulence of our forefathers was not completely safe; still, their oaken tables and their wheat ricks could not be carried off without some trouble, and men were honest because property was immovable. But when commerce has collected together the enjoyments of life, and given to more men the taste than the means of them, dishonesty is whetted by all it sees, and by the ease of invading it. We need not wonder at the activity of theft when we look at the accumulated riches of a metropolis, crowded with shops and houses overflowing with loosely-guarded plenty; shops where trade thrives so well that the owner cannot attend to his customers and the thief at the same time; and houses where the display of wealth is more a fashion than the economy of it. In Newgate biography, perhaps, examples might be found of a man's setting out perfectly honest at the one end of Cheapside and becoming fit for a prison before he reached the other. The circulating force which keeps property constantly afloat, and ready to fly at a touch, places it equally in the way of traffic and of pillage. To be ready to be sold, it must be ready to be stolen. To protect all this plenty, and especially in its less divisions, the law is called upon to exert its power. The small proprietor, indeed, could hardly be called the owner of what he enjoys but for the strong hand of the law. His inventories and title deeds would be nothing without the statute-book.

That there was too much zeal, however, in the legislature when it made a capital offence of every small invasion of this property, is allowed by the universal disinclination to treat it as such at the present day. The spontaneous judgment and feeling of the courts have corrected the law. Our attempt has been to shew, that it would be expedient for the law now to fix the judgment and feeling of the courts.

ART. X. *Childe Harold's Pilgrimage, a Romaunt.* By Lord Byron. 4to. pp. 226. London, Murray. 1812.

WE have been in general much gratified, and often highly delighted, during our perusal of this volume, which contains, besides the two first cantos of the '*Pilgrimage*,' and the notes by which they are accompanied, a few smaller poems of considerable merit; together with an Appendix, communicating a good deal of curious information concerning the present state of literature and language in modern Greece. The principal poem is styled '*A Romaunt*;' an appellation, perhaps, rather too quaint, but which, inasmuch as it has been always used with a considerable latitude of meaning, and may be considered as applicable to all the anomalous and non-descript classes of poetical composition, is not less suited than any other title to designate the *metrical itinerary* which we are about to examine.

'The scenes attempted to be sketched,' says Lord Byron in his preface, 'are in Spain, Portugal, Epirus, Acarnania, and Greece. Here, for the present, the poem stops; its reception will determine whether the author may venture to conduct his readers to the capital of the east, through Ionia and Phrygia. These two cantos are merely experimental. A fictitious character is introduced for the sake of giving some connection to the piece; which, however, makes no pretension to regularity. It has been suggested to me by friends on whose opinions I set a high value, that in this fictitious character, '*Childe Harold*,' I may incur the suspicion of having intended some real personage; this I beg leave, once for all, to disclaim. Harold is the child of imagination, for the purpose I have stated.'

After the usual invocation to the muse, the supposed traveller is thus introduced to our acquaintance.

## II.

'Whilome in Albion's isle there dwelt a youth  
Who ne in virtue's ways did take delight,  
But spent his days in riot most uncouth;  
And vex'd with mirth the drowsy ear of Night.  
Ah, me! in sooth he was a shameless wight,  
Sore given to revel and ungodly glee;  
Few earthly things found favour in his sight  
Save concubines and carnal companie,  
And flaunting wassailers of high and low degree.

## III.

'Childe Harold was he bight:—but whence his name  
And lineage long, it suits me not to say;  
Suffice it, that perchance they were of fame,  
And had been glorious in another day:

But

But one sad losel soils a name for aye,  
 However mighty in the olden time,  
 Nor all that heralds rake from coffin'd clay,  
 Nor florid prose, nor honied lies of rhyme  
 Can blazon evil deeds, or consecrate a crime.'

This description is continued through eight more stanzas, for the purpose of exhibiting, at full length, this singular child of profligacy, who is 'drugged with pleasure,' and driven, at once by the 'fulness of satiety,' and by the pangs of unrequited passion, to seek relief from the intolerable tediousness and monotony of life, in voluntary exile. To quit the companions of his debaucheries required little effort; but he quitted with the same abruptness a mother and a sister, for whom he felt a sincere affection.

## X.

'Yet deem not thence his breast a breast of steel;  
 Ye, who have known what 'tis to doat upon  
 A few dear objects, will in sadness feel  
 Such partings break the heart they fondly hope to heal.'

These lines will probably recal to the memory of our readers the pathetic passage in Virgil where Euryalus makes mention of his mother.

Hanc ego nunc ignaram hujus quodcunque pericli est,  
 Inque salutatam linquo: nox, et tua testis  
 Dexterâ, quod nequeam lacrymas perferre parentis.

Childe Harold now embarks; and having soon lost sight of land, seizes his harp, and composes a lay of 'Good Night' to his native country. On the fifth day he reaches the mouth of the Tagus, and the city of Lisbon, whose 'image floating on that noble tide which poets vainly pave with sands of gold,' inspires him with delight, nearly equal to the disgust with which he afterwards contemplated the filth of its interior, and the character of its inhabitants; then degraded by a weak government, and evincing no symptoms of that noble energy, by which they have latterly been distinguished. But it is the 'glorious Eden' of Cintra which calls forth his warmest admiration.

## XIX.

'The horrid crags, by toppling convent crown'd,  
 The cork trees hoar that clothe the shaggy steep,  
 The mountain moss by scorching skies imbrown'd,  
 The sunken glen, whose sunless shrubs must weep,  
 The tender azure of the unruffled deep,  
 The orange tints that gild the greenest bough,  
 The torrents that from cliff to valley leap,  
 The vine on high, the willow branch below,  
 Mix'd in one mighty scene, with varied beauty glow.'

The buildings that add splendour to this sylvan scenery are next described; and Childe Harold, who, like Voltaire's *Pococurante*, is often disposed to be sarcastic, takes care to remind us of the celebrated Cintra convention, and ascribes to a wicked fiend, inhabiting the castle of Marialva, the absurdities of that martial synod, who were so eager to throw away their hard-earned laurels for the purpose of hooding themselves in the 'fool's cap' of diplomacy.

After casting one look at the palace of Mafra, the restless Harold proceeds in his devious wanderings.

'Though sluggards deem it but a foolish chace,  
And marvel men should quit their easy chair,  
The toilsome way, and long, long league to trace;  
Oh! there is sweetness in the mountain air,  
And life, that bloated Ease can never hope to share!

In passing from the Portuguese to the Spanish territory, he is somewhat disappointed, by the smallness of the stream which forms the boundary between two nations, so long disunited by their reciprocal animosity.

## XXXIV.

'But ere the mingling bounds have far been pass'd,  
Dark Guadiana rolls his power along  
In sullen billows, murmuring and vast,  
So noted ancient roundelays among.  
Whilome upon his banks did legions throng  
Of Moor and knight, in mailed splendour drest;  
Here ceas'd the swift their race, here sunk the strong;  
The Paynim turban and the Christian crest  
Mix'd on the bleeding stream, by floating hosts oppress'd.

## XXXV.

Oh lovely Spain! renown'd, romantic land!  
Where is that standard which Pelagio bore,  
When Cava's\* traitor-sire first call'd the band  
That dy'd thy mountain streams with Gothic gore?  
Where are those bloody banners which of yore  
Wav'd o'er thy sons, victorious to the gale,  
And drove at last the spoilers to their shore?  
Red gleam'd the cross, and waned the crescent pale,  
While Afric's echoes thrill'd with Moorish matrons' wail.

## XXXVI.

Teems not each ditty with the glorious tale?  
Ah! such, alas! the hero's amplest fate!  
When granite moulders and when records fail,  
A peasant's plaint prolongs his dubious date.

\* Count Julian's daughter, the Helen of Spain. Pelagius preserved his independence in the fastnesses of the Asturias, and the descendants of his followers, after some centuries, completed their struggle by the conquest of Grenada.

Pride! bend thine eye from heaven to thine estate;  
 See how the Mighty shrink into a song!  
 Can Volume, Pillar, Pile preserve the great?  
 Or must thou trust Tradition's simple tongue,  
 When Flattery sleeps with thee, and History does thee wrong?

## XXXVII.

Awake, ye sons of Spain! awake! advance!  
 Lo! Chivalry, your ancient goddess, cries,  
 But wields not, as of old, her thirsty lance,  
 Nor shakes her crimson plumage in the skies;  
 Now on the smoke of blazing bolts she flies,  
 And speaks in thunder through yon engine's roar;  
 In every peal she calls—'Awake! arise!  
 Say, is her voice more feeble than of yore,  
 When her war-song was heard on Andalusia's shore?

These animated lines, and a most terrific description of the genius of battle which follows them, are naturally dictated by the arrival of the traveller at the camp of the allies, on the morning of the battle of Talavera; and he pays a willing tribute of praise to the splendid and orderly array of the contending armies; but in his reflections on these sanguinary contests, the libertine Childe appears to be a true disciple of Falstaff; and speeds to Seville, where he finds the inhabitants rioting in pleasure, with as much security, as if the defeat of Dupont's army had crippled the French power, and rendered the Morena impervious to future invasion. At Seville he beholds the illustrious maid of Saragoza. It certainly is one of the miracles produced by the Spanish revolution, that

'She whom once the semblance of a scar  
 Appall'd, an owlet's larum chill'd with dread,  
 Now views the column-scattering bay'net jar,  
 The falchion flash, and o'er the yet warm dead

Stalks with Minerva's step where Mars might quake to tread:'

and the miracle is, in this case, rendered much more impressive by the personal charms of the heroine. Childe Harold therefore surveys, with much complacency, her fairy form—her graceful step—her dazzling black eyes, and glowing complexion; but having no predilection for Amazon beauties, is anxious to exculpate this paragon of Spain, as well as her countrywomen, from any deficiency in the 'witching arts of love,' observing that when they mix in the ruder scenes of war,

'Tis but the tender fierceness of the dove  
 Pecking the hand that hovers o'er her mate.'

The fascinations of young females are, naturally enough, the favourite theme of young poets; but the minstrel of Childe Harold, aware that some of his readers may possibly be older than himself,

has very judiciously suspended his description of the 'dark glancing daughters' of Andalusia, for the purpose of saying a few words to Mount Parnassus, at whose foot (as we learn from a note at the bottom of the page) he was actually writing, and whom he consequently addressed as seen,

'Not in the fabled landscape of a lay,  
But soaring snow-clad through his native sky,  
In the wild pomp of mountain majesty.'

## LXII.

'Happier in this than mightiest bards have been,  
Whose fate to distant homes confin'd their lot,  
Shall I unmov'd behold the hallow'd scene,  
Which others rave of, though they know it not?  
Though here no more Apollo haunts his grot,  
And thou, the Muses' seat, art now their grave!  
Some gentle spirit still pervades the spot,  
Sighs in the gale, keeps silence in the cave,  
And glides with glassy foot o'er yon melodious wave.

## LXIII.

Of thee hereafter.—Even amidst my strain  
I turn'd aside to pay my homage here;  
Forgot the land, the sons, the maids of Spain;  
Her fate, to every freeborn bosom dear,  
And hail'd thee, not perchance without a tear.  
Now to my theme—but from thy holy haunt  
Let me some remnant, some memorial bear;  
Yield me one leaf of Daphne's deathless plant,  
Nor let thy votary's hope be deem'd an idle vaunt.

## LXIV.

But ne'er didst thou, fair Mount! when Greece was young,  
See round thy giant base a brighter choir,  
Nor e'er did Delphi, when her priestess sung  
The Pythian hymn with more than mortal fire,  
Behold a train more fitting to inspire  
The song of love, than Andalusia's maids,  
Nurst in the glowing lap of soft desire:—  
Ah! that to these were given such peaceful shades  
As Greece can still bestow, though glory fly her glades.—p. 40.

It is impossible not to join in the prayers of the last couplet, if it be true, as the poet proceeds to assure us, that Venus, since the decay of her Paphian temple, has taken possession of the city of Cadiz, where her votaries are at present very ill provided with those 'peaceful shades' which they would find by emigrating into Greece. They, therefore, amuse themselves as well as they can, with processions, and with bull-feasts, (in the poetical description of which we have



have found more pleasure than we probably should have experienced in contemplating the reality;) and they had the good fortune to find favour in the eyes of Childe Harold, who, though 'pleasure's palled victim,' on whose 'faded brow' was written, 'cursed Cain's unresting doom,' was induced to 'pour forth an unpremeditated lay,' of some length, in honour of a certain bewitching Inez. He then prepares to embark at Cadiz, and bids adieu to his favourite city, where

'——— all were noble, save nobility,  
None hugg'd a conqueror's chains, save fallen chivalry!

## LXXXVI.

'Such be the sons of Spain, and strange her fate!  
They fight for freedom who were never free;  
A kingless people for a nerveless state,  
Her vassals combat when their chieftains flee,  
True to the veriest slaves of treachery:  
Fond of a land which gave them nought but life,  
Pride points the path that leads to liberty,  
Back to the struggle, baffled in the strife,  
War, war is still the cry, "War even to the knife!"

The same train of reflections is pursued through a few more stanzas, and the first canto closes with a pathetic address to a young military friend, whose death was occasioned by a fever at Coimbra.

At the commencement of the second Canto, we find the following apostrophe, to the ruins of Athens:

## II.

'Ancient of days! august Athena! where,  
Where are thy men of might? thy grand in soul?  
Gone—glimmering through the dream of things that were,  
First in the force that led to glory's goal,  
They won, and pass'd away—is this the whole?  
A school-boy's tale, the wonder of an hour!  
The warrior's weapon, and the sophist's stole  
'Are sought in vain, and o'er each mouldering tower,  
Dim with the mist of years, grey flits the shade of power.'—p. 62.

The poet is thus naturally led into a long train of reflections on the decay to which the noblest works of human industry and genius, are necessarily exposed; and on the blindness, the arrogance, the perversity of conquerors, who so often anticipate the ravages of time, and doom these monuments to premature destruction. He then inveighs, with great vehemence, against the whole tribe of collectors, who having purchased from the stupid and sordid officers

\* "War to the knife." Palafox's answer to the French general at the siege of Saragoza.

of the Turkish government, a general right of devastation, have proceeded to deface, and are daily defacing, the beautiful specimens of Grecian architecture, by removing and carrying off the bas-reliefs and other ornaments, from the ruined temples of Athens. Amongst these minor plunderers, the most prominent object of the poet's sarcasms, is Lord Elgin, who is very plainly designated in the text, and actually named in the notes; and it is only when the shafts of his ridicule are exhausted, that Lord Byron is at leisure to think of his imaginary pilgrim, who had embarked at Cadiz on board of a frigate, and whose voyage is described in the following spirited and beautiful stanzas.

## XVII.

'He that has sail'd upon the dark blue sea,  
Has view'd at times, I ween, a full fair sight;  
When the fresh breeze is fair as breeze may be,  
The white sail set, the gallant frigate tight;  
Masts, spires, and strand retiring to the right,  
The glorious main expanding o'er the bow,  
The convoy spread like wild swans in their flight,  
The dullest sailer wearing bravely now,  
So gaily curl the waves before each dashing prow.

## XVIII.

And oh, the little warlike world within!  
The well reev'd guns, the netted canopy,\*  
The hoarse command, the busy humming din,  
When, at a word, the tops are mann'd on high;  
Hark to the boatswain's call, the cheering cry!  
While through the seaman's hand the tackle glides;  
Or school-boy midshipman that standing by,  
Strains his shrill pipe as good or ill betides,  
And well the docile crew that skillful urchin guides.

## XIX.

White is the glassy deck, without a stain,  
Where on the watch the staid Lieutenant walks.  
Look on that part which sacred doth remain  
For the lone chieftain, who majestic stalks,  
Silent and fear'd by all—not oft he talks  
With aught beneath him, if he would preserve  
That strict restraint, which broken, ever balks  
Conquest and fame: but Britons rarely swerve  
From law, however stern, which tends their strength to nerve.

## XX.

Blow! swiftly blow, thou keel-compelling gale!  
Till the broad sun withdraws his lessening ray;  
Then must the penant-bearer slacken sail,  
That lagging barks may make their lazy way.

\* The netting to prevent blocks or splinters from falling on deck during action.

Ah, grievance sore! and listless dull delay,  
To waste on sluggish hulks the sweetest breeze!  
What leagues are lost before the dawn of day,  
Thus loitering pensive on the willing seas,  
The flapping sail haul'd down to halt for logs like these!

## XXII.

Through Calpe's straits survey the steepy shore,  
Europe and Afric on each other gaze!  
Lands of the dark-ey'd Maid and dusky Moor,  
Alike beheld beneath pale Hecate's blaze;  
How softly on the Spanish shore she plays,  
Disclosing rock, and slope, and forest brown,  
Distinct though darkening with her waning phase;  
But Mauritania's giant shadows frown,  
From mountain cliff to coast descending sombre down.

## XXV.

To sit on rocks, to muse o'er flood and fell,  
To slowly trace the forest's shady scene,  
Where things that own not man's dominion dwell,  
And mortal foot hath ne'er, or rarely been;  
To climb the trackless mountain all unseen,  
With the wild flock that never needs a fold;  
Alone o'er steeps and foaming falls to lean;  
This is not solitude; 'tis but to hold  
Converse with nature's charms, and see her stores unrolled.

## XXVI.

But midst the crowd, the hum, the shock of men,  
To hear, to see, to feel, and to possess,  
And roam along the world's tir'd denizen,  
With none who bless us, none whom we can bless;  
Minions of splendour shrinking from distress!  
None that, with kindred consciousness endued,  
If we were not, would seem to smile the less  
Of all that flatter'd, follow'd, sought, and sued;  
This is to be alone; this, this is solitude!

## XXVII.

Pass we the long unvarying course, the track  
Oft trod, that never leaves a trace behind;  
Pass we the calm, the gale, the change, the tack,  
And each well known caprice of wave and wind;  
Pass we the joys and sorrows sailors find,  
Coop'd in their winged sea-girt citadel;  
The foul, the fair, the contrary, the kind,  
As breezes rise and fall, the billows swell,  
Till on some jocund morn—lo, land! and all is well.—p. 74.

We

We are then informed, that the island of Goza was once the abode of Calypso; that it possesses a safe harbour; but that it is still as dangerous as ever to tender hearted travellers, being the residence of a certain fascinating female, called Florence, whose attractions, even Childe Harold, steeled as he was against the charms of beauty and coquetry, was scarcely able to resist. He proceeds however, on his voyage, passes the barren island of Ithaca, comes in sight of the Leucadian promontory, indulges in some melancholy musings on the death of Sappho, and disembarking on the coast of the Morea, continues his pilgrimage by land to Yanina, the capital of Albania and of all modern Greece, and residence of the celebrated Ali Pacha. The magnificence of the surrounding landscape is thus described:

## XLVII.

‘Monastic Zitza! from thy shady brow,  
Thou small, but favour’d spot of holy ground!  
Where’er we gaze, around, above, below,  
What rainbow tints, what magic charms are found!  
Rock, river, forest, mountain, all abound,  
And bluest skies that harmonize the whole:  
Beneath, the distant torrent’s rushing sound  
Tells where the volum’d cataract doth roll  
Between those hanging rocks, that shock yet please the soul.

## XLVIII.

Amidst the grove that crowns yon tufted hill,  
Which, were it not for many a mountain high  
Rising in lofty ranks, and loftier still,  
Might well itself be deem’d of dignity,  
The convent’s white walls glisten far on high:  
Here dwells the caloyer,\* nor rude is he,  
Nor niggard of his cheer; the passer by  
Is welcome still; nor heedless will he flee  
From hence, if he delight kind nature’s sheen to see.

## XLIX.

Here in the sultriest season let him rest,  
Fresh is the green beneath those aged trees;  
Here winds of gentlest wing will fan his breast,  
From heaven itself we may inhale the breeze:  
The plain is far beneath—oh! let him seize  
Pure pleasure while he can; the scorching ray  
Here pierceth not, impregnate with disease:  
Then let his length the loitering pilgrim lay,  
And gaze, untir’d, the morn, the noon, the eve away.—p. 85.

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\* The Greek monks are so called.

Ali was at this time engaged in a military expedition at some distance from his capital; a circumstance which afforded Childe Harold an opportunity of contemplating the diversified scenery of a camp, occupied by a mixed soldiery of Albanians, Turks and Tartars, and by a still more various multitude of attendants on the army; and at the same time, of beholding the terrible chieftain whose friendship is courted by the most powerful sovereigns of christendom, and whose influence awes the councils of the Ottoman empire. The mild and venerable countenance, and courteous demeanour of this aged warrior, are represented (and we believe with great truth) as concealing a character disgraced by the excess of lust, avarice, and cruelty, yet calculated to secure the affections as well as the obedience of the wild mountaineers whom he commands, by intrepid courage, considerable military skill, and consummate policy. His head-quarters being at this time at Tepaleni, his favourite and splendid country-residence, Childe Harold's curiosity was here gratified, by a sight of all the magnificent baubles, with which the eastern potentates are encompassed in their solitary retirement; but he is soon disgusted with the contemplation of a mode of life chequered only by the alternations of harassing fatigue and monotonous insipidity; and again sets off; to explore the wild mountains of Albania, and to examine the manners of its untutored inhabitants. Their valour, their independent spirit, and love of their country, were well known to him by common report; but these virtues were said to be accompanied by a gloomy and indiscriminating ferocity. An accident, however, during one of his excursions, having thrown him into their power, he found amongst them shelter and protection, and the kindest hospitality. He partakes of their humble fare; is guarded by their unbought vigilance; and during a journey which would not only have been hazardous, but even impracticable, without their assistance, is amused by the spectacle of their favourite pastime, the Pyrrhic dance; which it seems still survives amongst these martial tribes, and still animates them to a repetition of those enterprizes, of which it exhibits the representation. A translated specimen of one of the choral songs which usually accompany this dance, is introduced into this part of the poem, and we here lose sight of Childe Harold; the remainder of the canto being occupied, partly by reflections on the present degraded state of Greece, and partly by a melancholy retrospect of the domestic calamities, which have deprived the author of those, whose affectionate greetings, after his return from his travels, he had most fondly anticipated. From the former class we select the following stanzas, with which we shall close our extracts.

## LXXII.

'Fair Greece! sad relic of departed worth!  
 Immortal, though no more; though fallen, great!  
 Who now shall lead thy scatter'd children forth,  
 And long accusom'd bondage uncreate?  
 Not such thy sons who whilome did await,  
 The hopeless warriors of a willing doom,  
 In bleak Thermopylæ's sepulchral strait—  
 Oh! who that gallant spirit shall resume,  
 Leap from Eurotas' banks, and call thee from the tomb?

## LXXIII.

Spirit of freedom! when on Phyle's brow\*  
 Thou sat'st with Thrasybulus and his train,  
 Couldst thou forebode the dismal hour which now  
 Dims the green beauties of thine Attic plain?  
 Not thirty tyrants now enforce the chain,  
 But every carle can lord it o'er thy land;  
 Nor rise thy sons, but idly rail in vain,  
 Trembling beneath the scourge of Turkish hand,  
 From birth till death enslav'd; in word, in deed unmann'd.

## LXXV.

Hereditary bondsmen! know ye not  
 Who would be free themselves must strike the blow?  
 By their right arms the conquest must be wrought?  
 Will Gaul or Muscovite redress ye? no!  
 True, they may lay your proud despoilers low,  
 But not for you will Freedom's altars flame.  
 Shades of the Helots! triumph o'er your foe!  
 Greece! change thy lords, thy state is still the same;  
 Thy glorious day is o'er, but not thine years of shame.

## LXXVI.

When riseth Lacedemon's hardihood,  
 When Thebes Epaminondas rears again,  
 When Athens' children are with arts endued,  
 When Grecian mothers shall give birth to men,  
 Then mayst thou be restor'd; but not till then.  
 A thousand years scarce serve to form a state;  
 An hour may lay it in the dust: and when  
 Can man its shatter'd splendour renovate,  
 Recal its virtues back, and vanquish Time and Fate?

## LXXIX.

Yet are thy skies as blue, thy crags as wild,  
 Sweet are thy groves, and verdant are thy fields,  
 Thine olive ripe as when Minerva smil'd,  
 And still his honied wealth Hymettus yields;

\* Phyle, which commands a beautiful view of Athens, has still considerable remains: it was seized by Thrasybulus previous to the expulsion of the Thirty.

There the blithe bee his fragrant fortress builds,  
The freeborn wanderer of thy mountain air;  
Apollo still thy long, long summer gilds,  
Still in his beam Mendel's marbles glare:  
Art, Glory, Freedom fails, but Nature still is fair.'—p. 104.

The foregoing sketch, slight and imperfect as it is, may serve as an introduction to a few general observations on the nature of this work, which we are desirous of submitting to our readers, before we proceed to a minute and particular comment on the sentiments, or language, or versification.

We believe that few books are so extensively read and admired as those which contain the narratives of intelligent travellers. Indeed, the greater part of every community are confined, either by necessity or indolence, to a very narrow space on the globe, and are naturally eager to contemplate, in description at least, that endless variety of new and curious objects which a visit to distant countries and climates is known to furnish, and of which only a very limited portion can be accessible to the most enterprising individual. If, then, this species of information be so attractive when conveyed in prose, and sometimes, it must be confessed, in very dull prose, by what accident has it happened that no English poet before Lord Byron has thought fit to employ his talents on a subject so obviously well suited to their display? This inadvertence, if such it be, is the more extraordinary, because the supposed dearth of epic subjects has been, during many years, the only apparent impediment to the almost infinite multiplication of epic poems. If it be supposed that the followers of the muse have not carelessly overlooked, but intentionally rejected the materials offered by a traveller's journal as too anomalous to be employed in a regular and grand composition, we answer that Homer was of a different opinion, and that the *Odyssey* is formed of exactly such materials. It is true that of the two great epic poems which Homer has bequeathed to the world, the *Iliad* is generally preferred as the noblest monument of his genius; but it does not follow that the *Iliad* is therefore the properest model for imitation; because the modern poet does not possess the privilege of conferring sublimity on the squabbles of two rival chiefs, or on the exploits performed during a siege, by calling in the habitual intervention of Heaven;—whereas the magnificent scenery of the *Odyssey* still remains and must ever remain at his disposal.

We do not know whether Lord Byron ever had it in contemplation to write an epic poem; but we conceive that the subject, which he selected, is perfectly suited to such a purpose; that the foundation which he has laid is sufficiently solid, and his materials sufficiently ample for the most magnificent superstructure; but we doubt whether his plan be well conceived, and we are by no means disposed



disposed to applaud, in every instance, the selection of his ornaments.

Of the plan indeed we are unable to speak with perfect confidence, because it has not been at all developed in the two cantos which are now given to the public; but it appears to us that the '*Childe Harold*,' whom we suppose, in consequence of the author's positive assurance, to be a mere creature of the imagination, is so far from effecting the object for which he is introduced, and 'giving some connection to the piece,' that he only tends to embarrass and obscure it. We are told, however, that 'friends, on whose opinions Lord Byron sets a high value,' have suggested to him that he might be 'suspected' of having sketched in his hero a portrait of real life; a suspicion for which, he says, 'in some very trivial particulars there might be grounds; but in the main points *I hope* none whatever.' Now if he was so anxious to repel a suspicion which had occurred to friends, on whom he set a high value; if he was conscious that the imaginary traveller, whom, from an unwillingness to appear as the hero of his own tale, he had substituted for himself, was so unamiable; we are at a loss to guess at his motives for choosing such a representative. If, for the completion of some design which has not yet appeared, but which is to be effected in the sequel of the poem, it was necessary to unite, in the person of the pilgrim, the eager curiosity of youth with the fastidiousness of a sated libertine, why revert to the rude and simple ages of chivalry in search of a character which can only exist in an age of vicious refinement? Again, if this apparent absurdity was unavoidable; if the '*Childe*,' and 'the little page,' and the 'staunch yeoman,' whom the *Childe* addresses in his farewell to his native land, could not be spared, why is this group of antiques sent on a journey through Portugal and Spain, during the interval between the convention of Cintra and the battle of Talavera?

It may perhaps be said that this anachronism, being convenient, is in some measure pardonable; and that the other inconsistencies which we have pointed out do not, after all, detract much from the general effect of the poem. But we answer that such inconsistencies appear to us to be perfectly needless; that they may be easily removed; and that they are by no means innocent if they have led Lord Byron (as we suspect) to adopt that motley mixture of obsolete and modern phraseology by which the ease and elegance of his verses are often injured, and to degrade the character of his work by the insertion of some passages which will probably give offence to a considerable portion of his readers.

The metre adopted throughout this '*Romaunt*' is the stanza of Spencer; and we admit that, for every ancient word employed by the modern poet, the authority of Spencer may be pleaded. But we think that to intersperse such words as *ee*, *moe*, *feere*, *ne*, *lovel*, *eld*,

eld, &c. amidst the richest decorations of modern language, is to patch embroidery with rags. Even if these words had not been replaced by any substitutes, and if they were always correctly inserted, their uncouth appearance would be displeasing; but Lord Byron is not always correct in his use of them. For instance, when he says, (Canto I. st. 67.)

'Devices quaint, and Frolics ever new,  
Tread on each other's *kibes*,' —

it must be supposed that he did not mean to personify devices and frolics for the purpose of afflicting them with chilblains. When, again, in describing Ali Pacha, he censures (C. II. st. 62.)

'— those ne'er forgotten acts of *ruth*  
Beseeching all men ill, but most the man  
In years, that mark him with a tyger's tooth,' &c.

it is plain that the noble lord must have considered '*ruth*' as synonymous, not with pity, but with cruelty. In a third instance where we are told that '*Childe Harold had a mother*,' the equivocal meaning of the first word has evidently a ludicrous effect, which could not have escaped the attention of our author whilst writing in the language of his own day. On such errors as these, however, which obviously originate, not in any want of genius, but in accidental heedlessness, we do not mean to lay any stress; we complain only of the habitual negligence, of the frequent laxity of expression—of the feeble or dissonant rhymes which almost always disfigure a too close imitation of the language of our early poets, and of which we think that the work before us offers too many examples.

Spencer, it must be observed, is always consistent. He lived at a time when pedantry was the prevailing fault, not of the sedentary and studious, but of the flighty and illiterate; when daily attempts were made to introduce into our vocabulary the mangled elements of the more sonorous languages of Greece and Rome; and when this anomalous jargon was hailed, by many of his contemporaries, as a model of melody and refinement. Anxious to preserve the purity and simplicity of his native tongue, the '*well of English undefiled*,' he appealed from the vitiated taste of the court to the good sense of the nation at large: he thought that significant words were not degraded by passing through the lips of the vulgar; his principal aim was to be generally intelligible: he formed his style on the homely models which had been bequeathed to him by preceding writers, and trusted to his own genius for the supply of the necessary embellishments. The extent of that genius is displayed in the extraordinary variety and elegance of the decorations, thus composed from the most common materials. Spencer was in

England, as La Fontaine in France, the creators of that style which our neighbours have so aptly denominated '*le genre naïf*.' The flowers which he scatters over his subject are, indeed, all of native growth: and they have a life and fragrance which is not always found in those more gaudy exotics, imported by succeeding poets, with which our language has been enriched and perhaps overloaded. Hence, though it is easy to catch his manner in short and partial imitations, it is almost impossible to preserve, throughout a long poem, his peculiar exuberance united with his characteristic simplicity. Lord Byron has shewn himself, in some passages, a tolerably successful copyist; but we like him much better in those where he forgets or disdains to copy; and where, without sacrificing the sweetness and variety of pause by which Spencer's stanza is advantageously distinguished from the heroic couplet, he employs a pomp of diction suited to the splendour of the objects which he describes. We rejoice when, dismissing from his memory the wretched scraps of a musty glossary, he exhibits to us, in natural and appropriate language, the rich scenery and golden sunshine of countries which are the

'Boast of the aged, lesson of the young;

Which sages venerate, and bards adore,

As Pallas and the Muse unveil their awful lore.'

But we have not yet exhausted our complaints against the wayward hero of the poem, whose character, we think, is most capriciously and uselessly degraded. The moral code of chivalry was not, we admit, quite pure and spotless; but its laxity in some points was redeemed by the noble spirit of gallantry which it inspired; a gallantry which courted personal danger in the defence of the sovereign, because he is the fountain of honour; of women because they are often lovely and always helpless; and of the priesthood because they are at once disarmed and sanctified by their profession. Now Childe Harold, if not absolutely craven and recreant, is at least a mortal enemy to all martial exertions, a scoffer at the fair sex, and apparently disposed to consider all religions as different modes of superstition.

The reflections which occur to him, when he surveys the preparations for the conflicts between the French and the allied armies, are that these hosts

'Are met (as if at home they could not die)

To feed the crow on Talavera's plain.—

There shall they rot; ambition's honours' fools!—

"Yes, honour decks the turf that wraps their clay!"

Vain sophistry! in these behold the tools,

The broken tools that tyrants cast away, &c.—

Enough

Enough of battle's minions!—let them play  
 Their game of lives; and barter breath for fame;  
 Fame, that will scarce reanimate their clay,  
 Though thousands fall to deck some single name.  
 In sooth, 'twere sad to thwart their noble aim,  
 Who strike, blest hirelings! for their country's good,  
 And die, that living might have proved her shame.'—St. 41, 42, 44.

— he would not delight  
 (Born beneath some remote inglorious star)  
 In themes of bloody fray, or gallant fight,  
 But loath'd the bravo's trade, and laugh'd at martial wight.—

C. 11. St. 39.

Now surely, it was not worth while to conjure a 'Childe Harold' out of some old tapestry, and to bring him into the field of Talavera, for the purpose of indulging in such meditations as these. It is undoubtedly true that the cannon and the musketry must often anticipate the stroke of time; and carry off, in the vigour of life, many who might have been reserved at home to a long protracted decay. It is moreover true that the buried will rot; that the unburied may become food for crows, and consequently, that the man who has bartered life for fame has no chance, when once killed, of coming to life again. But these truths, we apprehend, are so generally admitted that it is needless to inculcate them. It is certainly untrue that fame is of little value. It is something to be honoured by those whom we love. It is something to the soldier when he returns to the arms of a mother, a wife, or a sister, to see in their eyes the tears of exultation mixing with those of affection, and of pious gratitude to heaven for his safety. These joys of a triumph, it may be said, are mere illusions; but for the sake of such illusions is life chiefly worth having. When we read the preceding sarcasms on the 'bravo's trade,' we are induced to ask, not without some anxiety and alarm, whether such are indeed the opinions which a British peer entertains of a British army.

The second feature in Childe Harold's character, which was introduced, we presume, for the purpose of giving to it an air of originality, renders it, if not quite unnatural, at least very unpoetical. Of this indeed the author seems to have been aware; but instead of correcting what was harsh and exaggerated in his sketch of the woman hater, he has only had recourse to the expedient of introducing, under various pretexts, those delineations of female beauty which a young poet may be naturally supposed to pen with much complacency. This we think ill judged. The victim of violent and unrequited passion, whether crushed into the sullenness of apathy, or irritated into habitual moroseness, may become, in the hands of an able poet, very generally and deeply interesting; the human heart

is certainly disposed to beat in unison with the struggles of strong and concentrated feeling; but the boyish libertine whose imagination is chilled by his sated appetites, whose frightful gloom is only the result of disappointed selfishness; and 'whose kiss had been pollution,' cannot surely be expected to excite any tender sympathy, and can only be viewed with unmixed disgust. Some softening of such a character would become necessary even if it were distinguished by peculiar acuteness of remark, or by dazzling flashes of wit. But there is not much wit in designating women as 'wanton things,' or as 'lovely harmless things;' or in describing English women as '*Remoter females famed for sickening prate;*' nor is there much acuteness in the observation that

'——— Pomp and power alone are woman's care,  
*And where these are, light Bros finds a feere;*  
 Maidens, like moths, are ever caught by glare,  
 And Mammon wins his way where seraphs might despair.'

We utterly dislike the polyglot line compounded of Greek, Saxon, and modern English; and do not much admire the confusion of images in the others; but we wish to abstain from minute criticism, and are only anxious to remonstrate against those blemishes which, in our opinion, detract from the general beauty of the poem.

Having already given our reasons for thinking that the perversity of character attributed to the hero of the piece is far too highly coloured, it is needless to comment on that settled despair,

'*That will not look beyond the tomb,*  
 But cannot hope for rest before.'—(p. 52.)

This is the consummation of human misery; and if it had been the author's principal object, in delineating this fictitious personage, to hold him up to his young readers as a dreadful example of early profligacy, such a finishing to the picture might be vindicated as consistent and useful. In that case, however, it would have been doubly essential to divest the '*Childe*' of his chivalrous title and attributes; and the attention of the poet and of the reader being engrossed by one dismal object, it would have become necessary to sacrifice a large portion of that elegance and animation by which the present work is confessedly distinguished.

We certainly do not suspect Lord Byron of having made a pilgrimage to mount Parnassus for the sole purpose of wooing the muses to assist him in the project of reforming his contemporaries; but as we are, on the other hand, most unwilling to impute to him the intention of giving offence to any class of his readers, we much wish that he had assigned to his imaginary Harold, instead of

of uttering as his own, the sentiments contained in the following stanzas.

'Even gods must yield—religions take their turn :  
'Twas Jove's—'tis Mahomet's—and other creeds  
Will rise with other years, till man shall learn  
Vainly his incense soars, his victim bleeds ;  
Poor child of doubt and death, *whose hope is built on reeds.*

## IV.

Bound to the earth, he lifts his eye to heaven—  
Is't not enough, unhappy thing! to know  
Thou art? *Is this a boon so kindly given,*  
*That being, thou wouldst be again,* and go,  
Thou know'st not, reck'st not to what region, so  
On earth no more, but mingled with the skies?  
Still wilt thou *dream on future joy and woe?*  
Regard and weigh yon dust before it flies :  
That little urn saith more than thousand homilies.

## V.

Or burst the vanish'd Hero's lofty mound ;  
Far on the solitary shore he sleeps :  
He fell, and falling, nations mourn'd around ;  
But now not one of saddening thousands weeps,  
Nor warlike-worshipper his vigil keeps  
Where demi-gods appear'd, as records tell.  
Remove yon skull from out the scatter'd heaps :  
Is that a temple where a God may dwell?  
Why ev'n the worm at last disdains her shatter'd cell!

## VI.

Look on its broken arch, its ruin'd wall,  
Its chambers desolate, and portals foul :  
Yes, this was once Ambition's airy hall,  
The dome of thought, the palace of the soul :  
Behold through each lack-lustre, eyeless hole,  
The gay recess of wisdom and of wit,  
And passion's host, that never brook'd control :  
Can all saint, sage, or sophist ever writ,  
People this lonely tower, this tement refit?

## VII.

Well didst thou speak, Athena's wisest son!  
"All that we know is, nothing can be known."  
Why should we shrink from what we cannot shun?  
Each has his pang, but feeble sufferers groan  
With brain-born dreams of evil all their own.

\* It was not always the custom of the Greeks to burn their dead ; the greater Ajax in particular was interred entire. Almost all the chiefs became gods after their decease, and he was indeed neglected, who had not annual games near his tomb, or festivals in honour of his memory by his countrymen, as Achilles, Braxidas, &c. and at last even Antinous, whose death was as heroic as his life was infamous.

*Pursue what chance, or fate proclaimeth best ;  
 Peace waits us on the shores of Acheron ;  
 There no forc'd banquet claims the sated guest,  
 But silence spreads the couch of ever-welcome rest.*

The common courtesy of society has, we think, very justly proscribed the intrusive introduction of such topics as these into conversation ; and as no reader probably will open Childe Harold with the view of inquiring into the religious tenets of the author, or of endeavouring to settle his own, we cannot but disapprove, in point of taste, these protracted meditations, as well as the disgusting objects by which some of them are suggested. We object to them, also, because they have the effect of producing some little traces of resemblance between the author and the hero of the piece ; a resemblance which Lord Byron has most sedulously and properly disclaimed in his preface.

It will now be proper to take a slight survey of the remaining contents of this volume.

On the subject of the notes, which are always lively and amusing, and sometimes convey much curious information, we should have had no comments to make, if Lord Byron had not occasionally amused himself with provoking controversy, and, in one instance at least, without any very legitimate reason.

He was, indeed, bound to state the grounds on which he had thought it necessary, in his poem, to designate Lord Elgin as ' the last, the worst dull spoiler of Athens ; as a man whom Scotland must blush to own ; as a ' modern Pict,'—' cold as the crags upon his native coast, his mind as barren and his heart as hard ;'—but we doubt whether the plea adduced by the poet would be admitted in any sober and impartial court of justice, as a complete excuse for so much invective. This allegation in the note amounts to this :—that whilst the Consul of France has been endeavouring to obtain from the Turkish government their permission to seize and send to Paris the most valuable remnants of antiquity which still remained at Athens, our ambassador at Constantinople had contrived, by means of a more active agent, to get possession of the said antiquities, and to ship them to England ; and that the same agent, in executing his commission, has ' wantonly and uselessly defaced a whole range of basso-relievos in one compartment of the temple' which he was suffered to pillage. Supposing this statement to be correct, the Athenians have, undoubtedly, good reason to complain ; and if Lord Byron, indignantly feeling his share in the degradation of the national character consequent upon such acts of outrage, had contented himself with producing his charge ; with proving that the immediate instrument of the mischief had acted under the authority of a British ambassador, and with arguing against such an abuse



abuse of the influence derived from this high situation; we should have thought his spirit and his eloquence well employed. But it surely is not quite fair to begin by executing a supposed delinquent, and then to put him upon his defence. We can forgive, in a young and ardent traveller, the bitter expression of disappointed curiosity; but Lord Byron, as a traveller and a scholar, may, perhaps, derive some advantage from the spirit of depredation of which he so feelingly complains. He has printed in his Appendix an extract from Meletius, containing a transcript of the Hellenic inscription, &c. on the marbles found at Orchomenus; now we are informed that the marble containing this inscription is at present in England; and that, by a reference to the original, Lord Byron may easily satisfy himself that the copy given by Meletius in his Geography is full of inaccuracies.

In the note inserted at p. 143, Lord Byron has certainly replied, with great liberality and decorum, to a set of critics, who, in their censures of his earlier works, had not set him the example of extreme urbanity; but the instance of unprovoked pugnacity to which we allude is exhibited in pp. 146 and 147, where he denies to Mr. Thornton any 'claims to public confidence from a fourteen years' residence at Pera;' assuring us that 'this can give him no more insight into the real state of Greece and her inhabitants than as many years spent at Wapping into that of the western Highlanders.' But, in the first place, if Lord Byron be right, Mr. Thornton cannot be wholly wrong; for, on comparing their respective opinions, it will be found that, in all essential points, they very nearly coincide. Secondly, as Constantinople and its immediate vicinity may furnish about one hundred thousand specimens of Greeks of different ranks and conditions, whilst Wapping cannot be supposed to offer very numerous samples of western Highlanders, we cannot consider the noble lord's illustration as very apposite. Thirdly, as Lord Byron admits, (pp. 159, 160,) that the best account of Turkish manners is Mr. 'Thornton's English,' it is not very probable that so accurate an observer of character, in instances where the means of observation were comparatively rare, should have been totally blind to the manners of a people with whom, during fourteen years, he must have been in habits of daily intercourse. Whilst we feel ourselves indebted to Lord Byron for the light which he has thrown on the character and manners of the Albanians, we are sorry that, in criticizing an intelligent and, apparently, accurate writer, he should condescend, more than once, to employ a tone of sarcasm which nearly borders on coarseness and vulgarity.

The notes are followed by a series of small lyric pieces, fourteen in number, some of which (and particularly the last) we should have been glad to transcribe, but that we are conscious of having

already exhausted, and, perhaps, abused, the privilege of quotation.

Of the Appendix, which consists of various specimens of the Romaic, we need only say, that we consider it as a valuable supplement to this entertaining 'Pilgrimage.' National songs, and popular works of amusement, throw no small light on the manners of a people; they are materials which most travellers have within their reach, but which they almost always disdain to collect. Lord Byron has shewn a better taste; and it is to be hoped that his example will, in future, be generally followed.

It is now time to take leave—we hope not a long leave—of Childe Harold's migrations; but we are unwilling to conclude our article without repeating our thanks to the author for the amusement which he has afforded us. The applause which he has received has been very general, and, in our opinion, well deserved. We think that the poem exhibits some marks of carelessness, many of caprice, but many also of sterling genius. On the latter we have forborne to expatiate, because we apprehend that our readers are quite as well qualified as ourselves to estimate the merits of pleasing versification, of lively conception, and of accurate expression. Of those errors of carelessness from which few poems are, in the first instance, wholly exempt, we have not attempted to form a catalogue, because they can scarcely fail to be discovered by the author, and may be silently corrected in a future edition. But it was our duty attentively to search for, and honestly to point out the faults arising from caprice, or from a disregard of general opinion; because it is a too common, though a very mischievous prejudice, to suppose that genius and eccentricity are usual and natural companions; and that, to discourage extravagance is to check the growth of excellence. Lord Byron has shewn that his confidence in his own powers is not to be subdued by illiberal and unmerited censure; and we are sure that it will not be diminished by our animadversions: we are not sure that we should have better consulted his future fame, or our own character for candour, if we had expressed our sense of his talents in terms of more unqualified panegyric.

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ART. XI. *The Judgment delivered Dec. 11, 1809, by the Right Hon. Sir John Nicholl, Knt. LL. D. Official Principal of the Arches of Canterbury; upon the Admission of Articles exhibited in a Cause of Office promoted by Kemp against Wickes, Clerk, for refusing to bury an Infant Child of two of his Parishioners, who had been baptized by a Dissenting Minister.* pp. 47. London, Butterworth, 1810.

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*A Respectful Examination of the Judgment, &c. in a Letter to Sir John Nicholl.* By the Rev. Charles Daubeney, LL. B. Archdeacon of Sarum. Bath, Meyler and Son; London, Rivingtons. 1811.

*Remarks upon a late Decision in the Court of Arches, &c.* By the Rev. George Hutton, D. D. Vicar of Sutterton, &c. Boston, Kelsey; London, Baldwin. 1811.

**I**T was our intention to avoid all notice of the controversy maintained in these pamphlets; not because we considered the question as unimportant, or the parties engaged in it as undeserving of attention, but because, in truth, we lamented that such a dispute had ever arisen, and were unwilling by any remarks of ours to prolong its existence or increase its notoriety. Circumstances, however, have occurred to make us depart from this determination. We have heard of late from various quarters that the question has not been suffered to sink into oblivion; that persons of high authority in the church have thought it necessary to raise their voice against the dangerous consequences of Sir J. Nicholl's judgment; and, in particular, that one learned prelate has not only addressed his clergy on the subject, but has also circulated some printed 'Reflections,' in which he endeavours to prove that the decision of the Court of Arches is unfounded, and that nothing less than the integrity and stability of the Established Church is involved in the issue. Even the labours of Dr. Hutton, though they prove nothing else, shew that the question is not yet at rest. His pamphlet, indeed, is invested with somewhat more of authority than its intrinsic merits could claim, from being 'dedicated *by permission* to the Lord Bishop of Peterborough,' within whose diocese the case arose, which has given origin to so much discussion.

The facts of this case are, in brief, as follows; the Rev. J. W. Wickes, Rector of Wardly, refused to bury Hannah, the infant daughter of John and Mary Swingler, protestant dissenters of the denomination of Calvinistic Independents, assigning, as the reason of his refusal, the baptism of the said infant by a minister, preacher, or teacher of the same class of dissenters, which baptism was with water, and in the name of the Father, and of the Son, and of the Holy Ghost. For this refusal articles were exhibited against Mr. Wickes in the Arches Court of Canterbury; the admission of these articles was opposed on the plea that, if the facts were true, still the defendant had been guilty of no offence. When, after a patient hearing of the whole cause, the official principal, Sir John Nicholl, decided that the minister, in refusing to bury the child, had acted illegally, and consequently admitted the articles exhibited against him.

It is our intention to lay before our readers an impartial view of the grounds of this decree, and of the arguments by which it has been controverted: we shall not scruple to give our own opinion of the merits of the controversy, and to make such observations as may occur to us, on the principal points involved in it.

The 68th canon, and the rubric before the office of burial, comprise the whole law of the case. The canon ordains 'that no minister shall refuse to bury any corpse brought to the church or church-yard, except the party deceased were denounced excommunicated majori excommunicatione for some grievous and notorious crime.' The rubric adds two other exceptions expressly. 'Here is to be noted that the office ensuing is not to be used for any that die *unbaptized* or excommunicate, or have laid violent hands on themselves.' In the present instance the question is whether this infant did die *unbaptized* within the true meaning of the rubric. This, at least, is considered to be the only point at issue in the judgment of Sir John Nicholl; other matters are introduced by him, but incidentally, or for the sake of illustration.

To ascertain the meaning of the disputed word, the learned judge has recourse to the ordinary rules of construction; first, he considers it in its general sense and unconnected with the rubric, and states it then to mean 'not baptized at all, not initiated into the Christian church.'—p. 11. He next examines whether in the context there be any thing to vary or limit this general meaning. The context associates with the unbaptized, persons excommunicate, and suicides, obviously not contradicting, but, in the opinion of Sir John Nicholl, rather confirming the former construction, that persons unbaptized are those who are not Christians at all; for such, he thinks, excommunicates also, and suicides are to be deemed.

Having thus considered the word in its general meaning and in its context, he notices another rule of construction, namely, that the general law is to be construed favourably, and the exception strictly. Here the general law is, that burial is to be refused to no person; and, since exceptions must not be extended by mere implication so as to limit the general law, it would have been necessary, instead of using the term 'unbaptized,' to have said 'not baptized according to the form prescribed by the book of Common Prayer,' if it had been the intention of the legislator to give to his exception so large a meaning.

He next proceeds to examine whether there be any thing in the history of the law to confirm or disprove the interpretation, to which the course of his argument hitherto has led him: particularly whether lay-baptism has been recognized as valid by the church of England; for if it has, he contends that the church cannot mean

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by the word 'unbaptized' to exclude from burial all persons who have not been baptized according to the forms of its liturgy.

In prosecuting this inquiry, he first refers to the law of the English church before the Reformation, and deducing it both from the general canon law and also from the particular constitutions of this country, he finds that down to that period lay-baptism was allowed and practised; it was regular and prescribed in cases of necessity; and in all cases, when administered with water, in the name of the Holy Trinity by a laic, a schismatic or a heretic, it was so complete and valid that it was by no means to be repeated.—p. 21.

'Thus the matter stood at the time of the Reformation; and that period is an important one: for if lay-baptism had been considered as one of the errors of the Church of Rome, it would then have been corrected; but the fact is otherwise, for the use of lay-baptism was manifestly continued by the English reformed church.' In proof of this assertion, he adduces the rubrics before the office of private baptism in the reigns of Edward VI. and Queen Elizabeth. Such was the state of things till the time of James I, except that in 1575 an article was passed by convocation but rejected by the crown, restraining private baptism to the lawful minister.

On the accession of James I. conferences were held at Hampton Court for the purpose of revising and reconsidering the Liturgy, and particularly that part of it which relates to private baptism. It was here agreed so far to alter the rubric, as to direct that private baptism should be administered by a lawful minister; but neither the king (who disapproved the practice of lay-baptism) nor any of the bishops, or others, present, maintained that such baptism was *invalid*: on the contrary, the king himself expressly declared, that a person so baptized ought not to be baptized again.

The rubric at that time agreed on, was not confirmed by parliament, and owed whatever force it had to a proclamation of the king, in which he speaks of the result of the conference as utterly unimportant. 'We have thought meet, that some small matters might rather be explained than changed.' From these words, Sir John Nicholl contends, that so great a change in the constitution of the church could not have been intended as that baptism by a layman, administered with water and the proper invocation, which had hitherto, even since the Reformation, been considered as valid, should now be regarded as wholly null and void, and that such a baptism could bear re-baptization.—p. 25.

'In construing all laws,' he farther argues, 'it is proper to inquire how the law previously stood; for it will require more express and distinct terms to abrogate an old established law than to provide for a new case, upon which the former law has been wholly silent; consequently if

if this new rubric had been intended to invalidate the old law in this respect, and to ordain that all other baptism, except that by a lawful minister, should be considered as absolutely null and void, the new law would most expressly and distinctly have declared it.

But so far from this, the rubric itself, as published by King James, proves the contrary. Certain questions are to be asked, for the purpose of ascertaining whether the child has been already baptized or not. The order in which these questions run, and the preamble to the third and fourth, interposed in the middle of the queries, '*because some things essential to the sacrament may happen to be omitted, therefore I demand of you with what matter was this child baptized? with what words was this child baptized?*' prove that water and the invocation of the Holy Trinity were held to be the duo necessaria. This conclusion is strengthened by the concluding fact of the rubric, which directs, that if there be a doubt respecting the matter or the invocation, the child is to be baptized anew, and even this conditionally (so eager is the church to avoid iteration;) but if there be a doubt respecting the minister, there is no order for even a conditional re-baptization. 'Hence,' says Sir John Nicholl, 'it is obvious, that the person performing the baptism was not essential by the rubric.'—p. 29.

After the Restoration, this rubric was revised and confirmed by parliament, and no alteration was made except in the title of the office, in which the words 'lawful minister,' which had before stood in it, were omitted.

So the matter still remains; and after tracing the law through the several stages of its history, it appears to the learned judge impossible to entertain a reasonable doubt, 'that the English church did at all times hold baptism with water in the name of the Holy Trinity to be valid baptism, though administered by a layman or any other person. If this be so, it follows, that the prohibition of burial to the *unbaptized* in the rubric before the office of burial, cannot mean that it should be refused to persons not baptized by a lawful minister in the form of the Book of Common Prayer, since the church itself holds persons to be not unbaptized (because it holds them to be validly baptized) who have been baptized with water and the proper invocation by any other person and in any other form.'—p. 31.

This conclusion is strengthened by reference to some particulars in the history of the times at which the law was made. During the usurpation, great numbers of the inhabitants of this country must have received baptism at the hands of ministers not episcopally ordained. Yet, after the Restoration, there not only was no direction given to baptize such persons anew, but one of the first cares of the bishops was to go about confirming, among others, the  
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very persons who had been so baptized. Converts from the Presbyterians and other protestant dissenters, as well as from the Papists have become members and ministers of the church of England, yet have not been re-baptized; if therefore the question be whether the term 'unbaptized' means 'not baptized by a lawful minister of the church of England, and according to the form prescribed by that church;' and if no dissenters, whether Papists or Protestants are so baptized, and yet are considered by the practice and constitution of our law as baptized, there is an end of the question.

Such is the course of Sir John Nicholl's main argument. We omit much of the subordinate matter, to some of the most interesting particulars of which we may have occasion to refer hereafter, and shall now proceed to give a summary view of the reasoning of his opponents.

Of these the most considerable is the Archdeacon of Sarum; a gentleman already known for his zeal in the cause of church union, and for the strenuousness with which he has defended it. Dr. Hutton is a disputant of a very inferior order. Though he has had the advantage of at least seeing the arguments of those who had preceded him, though he professes that his object is to dwell only on the stronger and more prominent points of the case, and to compress them into a smaller compass for the benefit of more cursory readers, he seems absolutely ignorant of the real point at issue, and not to have given himself the trouble of comprehending the reasoning of either his friends or his adversaries. His tract would not have drawn from us even this notice were it not, as we have before said, ushered into the world with somewhat of an official air, and had he not mixed up the meagre effusion with more of pertness and incivility towards the learned person, whose decision he arraigns, than any real strength of argument could redeem. Of one or two anonymous publications on the subject it is not necessary that we should say any thing.

Archdeacon Daubeney's book is the great authority referred to by all the other writers on his side of the question; we find it, however, by no means easy to give a clear and satisfactory account of it. He not only opposes the ground of the judgment by controverting the interpretation given to the word 'unbaptized' in the rubric before the office of burial, (on which word, as has been seen, Sir John Nicholl makes the cause to rest,) but he also adduces arguments to take the case altogether out of the reach of the alleged laws, and to justify the defendant on principles wholly independent of them. Yet unluckily (for us at least) these arguments are so complicated with the discussion of the word 'unbaptized,' that it is no light labour to disentangle them. Our duty, however, bids us make the attempt; and if we do not succeed so well



well as we wish, we trust that the candour of the Archdeacon and our readers will excuse us.

We will endeavour, first, to state the grounds on which he contends that the laws alleged have no relation to the matter at issue: and since it would be an idle waste of time to go farther into the question if these grounds are solid, we shall, as we proceed, give our reasons for differing from him.

With regard to the 68th canon, which orders the minister to bury 'all persons brought to the church' except the excommunicate, Dr. Daubeney understands it of all persons who have a right to burial by the 'minister of the particular church to which they may be brought.'—p. 37. One effect of this comment is to recognize the right of the excommunicate to burial; for they, by every rule of logic and grammar, belong to the general description of 'all persons' in whatever way that phrase may be explained. The minister, therefore, if this be the meaning of the canon, is directed by it to bury all persons who have a right to burial, except the excommunicate, of whom the church is made to declare, at one and the same time, that they shall not be buried, and that they have a right to burial. We may be excused for passing to something else.

2. We read, p. 94, that 'the canons having been made with a view to the discipline of the church of England, the 68th canon is applicable only to the clergy and members of the established church.' It is farther said, that 'the canon evidently proceeds, on the supposition, that those whom the minister might be called on to bury, had previously been christened by him.'

What appears so evident to our author, is to our apprehension utterly without evidence; and we rejoice in thinking that ours is at least the more comfortable persuasion to all who are desirous of Christian burial for themselves or their friends. How few of us are there, whose lot it can be to be committed to the grave by the same hands which first received them into the flock of Christ! Yet the Archdeacon seems to say that only these few have a right to the obsequies of the church. This, however, we shall attribute to a momentary confusion of thought. But for the reference of the canon solely to members of the church of England: it happens that only two years after it was made, a law passed inflicting heavy penalties on the executors of all deceased Papists who were not brought to the church to be buried according to the rites of the church of England. Now were Papists at that time members of our church? If they were not, here is an instance of a contemporary law, considering the canon as applying to the burial of persons not members of the church of England. The law, which is still in force, (3 J. c. 5. s. 15.) is very remarkable: it does not direct the clergy to bury these persons, but plainly assumes it

it as a matter of course, that they will bury them according to the canon; for the canon is manifestly recognized in the statute, and there is an express saving of its exception; 'If any Popish recusant, *not being excommunicate*, shall be buried in any place other than the church or church-yard, or *not according to the ecclesiastical laws*,' &c.

3. A third reason is given, p. 107, that 'as no infant can be in the situation, in which the canon places the person to whom burial is to be refused, therefore the sanction of the canon ought not to be enforced in a case to which the canon cannot apply.' If we understand the argument, it amounts to this; that as the case of an infant does not fall within the exception, it cannot fall within the general rule!

4. It is affirmed, p. 115, that 'the original makers of the 68th canon could have no such case in contemplation, as that to which the judgment of the Court of Arches was directed; to no such case, consequently, can this canon, in their sense of it, be applied.' Now this is to us a novel method of getting rid of a law. We have always thought, that if a case falls within the general provisions of a law, it is of no consequence whether it was in the contemplation of the legislator or not, unless it manifestly appear that if contemplated by him, it must have been excepted. But why is it impossible that the makers of the canon could have had in their contemplation no such case as that of an infant, baptized by a schismatic, being brought to church for burial? Our readers will expect to hear either that there were no schismatics in those days, or that they did not presume to baptize infants, or that infants so baptized, if they died in their infancy, were not brought to church for burial. We do not find, however, that any of these propositions is maintained; but that the only evidence or argument offered, is the declaration of Dr. Daubeney. He is pleased, hereupon, to quote against Sir John Nicholl, who *adheres to the letter of the canon*, some strong language of the late Lord Camden, enforcing the necessity of 'leaving a rule inflexible, rather than permitting it to be bent by the discretion of a judge.'

5. There remains one other reason for considering the 68th canon inapplicable to the case in question, namely, that the Toleration Act has exempted protestant dissenters from the jurisdiction of the ecclesiastical law, and must, therefore, be considered as depriving them of the rights conferred by it. To this it is a sufficient answer at present that an infant is not a protestant dissenter, and therefore, that the case of an infant comes not within the provisions of the Toleration Act.

So much for excluding all consideration of the *canon*. With regard to the *rubric*, the argument is very similar. 'It was made  
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for the direction of the clergy of the Church of England, who could not be ignorant, that the services of the church belong only to its members.'—p. 42. 'The right to burial, in particular, rests on the circumstance of the party dying in communion with the church.'—p. 48. 'Therefore an express exclusion of dissenters would have been a needless waste of words.'—p. 42.

In answer to this, the archdeacon will first permit us to ask, why then is there an express exclusion of the excommunicate? for surely the clergy could not be ignorant, that they are not members of the church; or that if the right to burial belongs only to persons dying in actual communion with the church, the excommunicate are not of this description. Here, therefore, is that needless waste of words which seems to be considered incompatible with the true meaning of the rubric. We might cite again, the law which compels the executors of Papists to carry them to the church for burial, and assumes, as a matter of course, that they will be there buried. We might also again insist on an infant's not being a dissenter. But more than enough has already been adduced to prove, that there is no solid reason for denying that the case falls within the canon and the rubric; and, consequently, that we are not released from the duty of attending the archdeacon through the remainder of his argument.

Now if the canon and rubric be applicable to the matter in question, the only point to be decided is, whether the child whom the ministers refused to bury, did die 'unbaptized.' Dr. Daubeney maintains the affirmative; and the following is his reasoning.

'The place in which the word occurs, viz. a rubric, or order made by the governors of the Church of England for the direction of the clergy in the discharge of their ministerial office, shews, that it must be taken in connection with the other rules and ordinances of the church. Comparing then the 19th and 23d articles with the 11th canon, and thence proceeding to the ordination service, he concludes, that the word 'unbaptized' in the rubric, must be understood in an *ecclesiastical* sense, according to which sense all are considered to be *unbaptized*, who have not been baptized by persons to whom, in conformity with the articles of the Church of England, the office of ministering in the congregation has been lawfully committed.'—p. 24.

Here then we are presented with a short method of dispatching the whole question, if the argument be correct. We will examine it impartially, and see how far it will carry us. It may, however, be right previously to remark, that the words of the archdeacon seem to take for granted that which is really the only matter in dispute, namely, that the *ecclesiastical* sense of the word 'unbaptized' is what he states it to be. For we apprehend, that no one is so weak as to contend, that the word in the rubric, may be construed

strued in any other than its ecclesiastical meaning: certainly the whole argument of Sir John Nicholl is employed in ascertaining what that meaning is. The archdeacon therefore will, we are persuaded, feel obliged to us for understanding his words, as if they ran thus, "that the word "unbaptized," in the rubric, must be understood in an ecclesiastical sense, *and that according to this sense all are to be considered as unbaptized, &c.*"

We proceed to inquire how far the ordinances referred to by the archdeacon, prove this to be the ecclesiastical meaning of the word. The 19th and 23d articles state, 'that one of the constituents of the visible church is, that the Sacraments be duly ministered according to Christ's ordinance in all those things that of necessity are requisite to the same: that it is not lawful for any man to minister the sacraments in the congregation, till he be lawfully called and sent to execute the same; and that those are lawfully called and sent, who are chosen by men who have public authority given to them for that purpose.' The canon denounces excommunication against 'all who maintain, that any other congregations of the king's subjects within this realm, than such as by the laws of this land are held and allowed, may rightly challenge to themselves the name of true and lawful churches.' And in the ordination service, the bishops, who alone have public authority in this country to call and send forth ministers, do so send those, whom they ordain.

Such is the sum and substance of the premises, from which the archdeacon concludes, that the ecclesiastical sense of the word 'unbaptized' is that which has been stated above. For ourselves we confess, not only that we cannot deduce any thing like this conclusion, but that we cannot even perceive the process by which other minds are enabled to arrive at it.

If it be meant, that a 'lawful minister' is essential to baptism, we can only request the archdeacon to be more explicit in detailing his mode of reasoning. Meanwhile, we will adduce certain considerations, which satisfy us, that that mode of reasoning, whatever it be, was not adopted by those who composed our articles. Let it be remembered, then, that these articles were framed A. D. 1562, and that the rubric, at that very time, authorized lay persons to baptize in case of necessity. Let it be remembered too, that in the convocation, at which these articles were agreed on, a paper was brought in by Sandys,\* then Bishop of Worcester, and its averment admitted without remark from any one, the first head of which was, 'that the rubric, which gives women a liberty to baptize in case of necessity, might be altered.'

\* See Collyer's Ecclesiastical History, Vol. I. p. 435.

His reason was, 'because the Holy Scriptures declare *women* incapable of administering the sacraments.' With this reason we have here nothing farther to do, than as it shews what were the sentiments of convocation respecting the rubric at a time when it was directly brought under their view; and how little it was then imagined that baptism by *men*, though laics, could be deemed by the church to be no baptism. As far, therefore, as the articles are concerned, and if they are to be understood in the sense of those who framed them, it is plain, that unless we suppose that they were framed to contradict the rubric, there is nothing in them which declares a 'lawful minister' essential to baptism.

If, however, the archdeacon means that these articles, &c. prove that all are considered by the church as 'unbaptized,' who are baptized in this country by persons not of her communion, we must then entreat him to account for some other phenomena apparently at variance with his theory. In the analysis of Sir John Nicholl's argument, it has already been noticed, that at the time of passing this law there were many inhabitants of this country, who, during the Usurpation, had received baptism from the hands of men not episcopally ordained; and we may now add, that a large proportion of them must have received it from those who were not members of the Church of England. Yet it has been seen, that these persons were confirmed by the bishops of that time without scruple. This, therefore, is, of itself, a strong reason for supposing that those very bishops in framing the rubric, did not mean to designate all such, as 'unbaptized.' But a still stronger reason is derived from the consequence which must follow from the rubric, if such be the meaning of 'unbaptized;' namely, that all these persons were deprived by law of Christian burial. Is it credible that such could be the intention with which the word was inserted by convocation? If so intended, could parliament have endured to give the force of law to an ordinance, by which many of its members, in communion with the church, must have seen their families cut off from all participation in the most interesting of religious rites? Could this have been done without opposition, and even without remark? Yet the history of that, not distant, period is without the smallest trace of any emotions excited by an enactment, which, if Dr. Daubeney rightly interprets it, must have operated in so powerful a manner. We do not read of any persons being impelled by the rubric or any other cause, to seek re-baptism from a minister of the Church of England for nearly half a century; and when at length the instance of Mr. Lawrence occurred, we do not find it was even then pretended, that the judgment of the church in 1661, had been thus decisive. If, indeed, such a plea could have been established,

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there would have been no longer any ground of controversy between him and his opponents.

We are aware, that the archdeacon has armed himself with an answer to all remarks of this sort, by admitting that there may be 'exceptions to his conclusion, and that such exceptions may furnish a field for the exercise of discretionary judgment in ecclesiastical governors.'—p. 24. But thus peremptorily to assign meanings, and thus imperfectly to provide for objections which start up at every step, is not so much to interpret as to make laws. And who is it, that here attributes this enormous and indefinite power to ecclesiastical governors? The same person, who, in p. 110, denies that the opinions of Bishops Fleetwood and Warburton are of any value in the question; and who, p. 115, as has been already observed, triumphantly quotes the saying of Lord Camden, 'that the discretion of a judge is the law of tyrants: in the best, it is oftentimes caprice; in the worst, it is every vice, folly, and passion, to which human nature is liable.'

But what does Dr. Daubeney say to the acknowledged practice of admitting converts from among the dissenters to all the privileges of the Church of England, and even to its orders, without being re-baptized? a practice, to which it is owing, that our church numbers among its members the two greatest ornaments of this or any other church during the last century, Bishop Butler and Archbishop Secker. Why it seems, that their baptism 'is, under circumstances, capable of being recognized as valid.'—p. 45. Of the meaning of the word *recognized*, Dr. Daubeney has, in another part of his book, favoured us with a very accurate definition, which we beg leave to insert in this place, as explanatory of the sentence just quoted. 'By *recognizing* any thing, we do not change either its nature or character, but only renew our knowledge of it *as it is*.'—p. 103. The baptism of dissenters, therefore, is under circumstances (e. g. their conversion) capable of being again known by us to be, what we indeed knew it to be before, but with a knowledge requiring renovation, namely, that it is in itself, in its own nature and character, valid baptism.

Must we trespass on the patience of our readers any longer? yes, we will not leave the archdeacon room to say, that we condemn him for one or two instances of confusion both of sentiment and language, however gross, or for the weakness of a single part of his argument, however necessary to his conclusion. We proceed, therefore, to his more direct attack on Sir John Nicholl's reasoning.

After a few preliminary observations, he proposes to 'state the nature of the ground on which the judgment has been built.' And here we have seriously to complain of the extremely inadequate, confused,



confused, and erroneous view of the learned judge's argument, which his analysis presents. Whatever may be thought of some of the incidental positions advanced in that argument, whatever difference of opinion may be entertained of the truth of some of its premises, or the soundness of its conclusion, at least it must be allowed, by every candid reader, that the general course of the reasoning is luminous and powerful. Yet those who acquire their notion of it only from the pages of Dr. Daubeney, would naturally suppose, that the learned judge is as ignorant of the rules of logic, as he is represented to be of the law which he administers. In p. 15 Sir John Nicholl purposes to examine the history of the law, in order to see whether any argument can thence be drawn either for or against the general meaning of the word 'unbaptized.' 'If,' says he, 'the Church of England has recognized lay-baptism, &c. &c. it will necessarily follow, that it cannot mean (by the word "unbaptized") to exclude from burial all persons who have not been baptized according to the forms of its liturgy.' Accordingly, he proceeds to inquire, from history, whether the Church of England has thus recognized lay-baptism or not. Nothing, surely, can be more plain or logical than such a course; yet, in the 9th page of the archdeacon, all this is given as an inference from what has preceded. 'From these premises' (that is, from the statement of the general meaning of the term unbaptized, and from a view of the context) 'you draw the following conclusion; that if the Church of England has recognized lay-baptism,' &c. Such a perversion of a very plain passage, if we could believe it intentional, would call forth our loudest reprobation; as it is, we cannot but express our astonishment, that so practised a controversialist, as Archdeacon Daubeney, should have erred so grossly in apprehending the argument of his adversary. But this, we are sorry to say, is not the only instance of the same kind to be met with in the tract before us. In p. 68, inconsistency is insinuated against the learned judge, where not only there is no foundation for the charge, but the very words adduced to establish do, in fact, disprove it. 'By the law of the English Church,' says Sir John Nicholl, 'down to the Reformation, lay-baptism was allowed and practised; it was regular, and even prescribed in cases of necessity.' 'Were I disposed to cavil,' says his censor, 'I should object to the word regular in the above sentence; and I might quote you against yourself, where you say, "That the Church of England has recognized lay-baptism to be, though irregular, yet valid."' Now, in truth, Sir John Nicholl, in the passage thus referred to, does not say what is here said for him; his words are 'If the Church of England has recognized, &c.' meaning that it would be sufficient for his purpose that lay-baptism should have been recognized as valid, even though it were considered



considered as irregular. But, supposing the words to be as quoted, what inconsistency is there in saying that lay-baptism was, in certain cases, regular before the Reformation, and considered irregular afterwards? Though, therefore, we are unwilling to think the archdeacon 'disposed to cavil,' yet, we must express our regret that he should, with so little reason, seek to depreciate the argument which he is opposing.

But not to weary our readers with a detail of petty mis-statements of this sort, we will examine the principal objections urged by him against the learned judge's argument. The first affords a lamentable instance of the confused view taken by Dr. Daubeney of the subject in question. Sir John Nicholl, considering that the whole stress of the cause lies on the word 'unbaptized' in the rubric before the office of burial, makes it the principal object of his argument to ascertain the import of the word in that particular place. The first step taken by him for this purpose is, to state its *general meaning unconnected with the rubric*; which is accordingly given by him, not as the full import of the word as it stands in the rubric, but expressly as a step towards arriving at the true interpretation. Yet the archdeacon is pleased to speak of this as 'the interpretation, which you (Sir John Nicholl) have affixed to the word unbaptized in the rubric!' p. 23.

His next objection, which he deems a strong one, must be given in his own words. 'It attaches to your indiscriminate use of the term Christian church; where, in p. 11, you give us to understand, that persons baptized into the forms of what you represent to be *different churches*, as the Romish or Greek church, the Presbyterian church, that of the Calvinistic Independents, or the Church of England, have all been baptized into the Christian church.'

Here is a good deal of confusion, and not a little of misrepresentation. 'Persons baptized into the forms of different churches,' is a phrase for which Dr. Daubeney only is answerable. Utterly unintelligible as it is, there is, however, an apparent purpose in using it; for without it there would be no colour or pretence for insinuating, as is presently done, that Sir John Nicholl maintains, 'that baptism into these different churches, as distinguished from the Church of England, admits the baptized parties into that one church of Christ of which the Church of England is admitted to be a branch.' The language of the learned judge gives not the slightest ground for this strange accusation. He does not talk of baptizing into a particular church, but leaves both the notion and the terms in which it is expressed, to his censor, who is so partial to it, that he will give us another opportunity of remarking on it before we have done. His real position is, that baptism, according to any of these forms, provided the essence of baptism have taken place,

place, is baptism, and admits into the Christian church. If he errs in this opinion, he errs with the sanction of no light authority. Among others, Archbishop Whitgift must bear equal blame with him; for he (Def. of Ans. to Adm. p. 519) says distinctly, 'So farre as I can reade, the opinion of all learned men is, that the essentiall forme, and, as it were, the lyfe of baptisme, is to baptize in the name of the Father, of the Son, and of the Holy Ghoste, which forme being observed, the sacrament remaineth in full force and strength, of whomsoever it be ministred.' And farther, p. 521, he argues on it as certain, that 'baptisme ministred by hereticall ministers, which be no members of the church, is, notwithstanding, good and effectuell.' Happily, therefore, Dr. Daubeney, even if he admit the learned judge's notion, may yet, with as good a right as before, have 'the dying words of Whitgift in his mouth, pro ecclesiâ Dei, pro ecclesiâ Dei.'—p. 141.

To return; the position of Sir John Nicholl, whether true or false, certainly involves no indiscriminate use of the phrase 'Christian church;' still less does it afford any pretence for a charge, which follows in the archdeacon's next page, that he 'represents that Christian church as consisting of different religious societies, not only independent of, but unconnected with, each other by any common principles of unity:' and again, 'that, according to his description of the church,' (which he has not attempted to describe at all,) 'the sin of schism cannot possibly exist.' We would willingly forget who it is that advances these charges, and against whom they are brought; we would gladly, too, if it were possible, dissemble the conclusion, which is forced upon us, that nothing can here protect Dr. Daubeney from the disgrace of wilful misrepresentation but an absence (casual let us hope) of those qualities as a writer which can alone give any value to his opinions.

Whether it be to strengthen these accusations we know not; but the archdeacon is pleased to represent the judge as speaking of the Presbyterian Church, and *that* of the Calvinistic Independents; again, p. 29, he talks of the 'Presbyterian and Independent Churches,' as if so named by Sir John Nicholl. So far, however, as Christians of the latter denomination are concerned, Sir John purposely goes out of his way to avoid the application of the word 'church' to them. He speaks of the form (in ministering baptism) 'of the Romish church, of the Greek church, of the Presbyterian church, the form used *among the Calvinistic Independents*, and the form used by the Church of England.' This part of the complaint, therefore, is not so much without evidence, as contrary to it.

With regard to the Presbyterian church, Sir John Nicholl has pronounced no opinion, whether it be, or be not, a member of the Christian church. He has, indeed, used the phrase, and so, in truth,

truth, has Dr. Daubeney, p. 20, where he speaks of 'the established Church of Scotland.' He has also asserted that, in the common use of language, it may be said, that persons baptized according to the form of the Presbyterian church have been admitted into the Christian church. But the truth or falsehood of this proposition rests not on the Presbyterian church being, or not being, a member of the one church of Christ, but on a totally different question, viz. whether baptism, in whatever congregation administered, provided the essence of baptism have been preserved, may be said to admit into the Christian church: for it does not follow that any congregation is pronounced a member of the Christian church, because its baptism is said to admit into the church.

But the archdeacon's zeal for episcopacy is so inflammable that the very name of Presbyterian seems sufficient to set it in a blaze. We are not so presumptuous as to attempt to extinguish it; but we may be allowed to congratulate him, that he lives in an age when the practice of the Church of England is no longer in opposition to his feelings. What would these feelings have been, had he flourished in the first century after the Reformation, and witnessed the favour then shewn to Presbyterians? Congregations of them placed under the protection of our most orthodox bishops; a synod, composed of Presbyterians, inviting and receiving the co-operation of English divines, deputed by the head of the Church of England (himself a zealous episcopalian) as to a lawful meeting of reformed churches, without any remonstrance from either house of convocation; Presbyterian ministers instituted to English benefices without being re-ordained, and this not clandestinely, nor by connivance, but openly, avowedly, and habitually, till at length, in 1661, episcopal ordination was made essential to the lawful ministry in the Church of England. A recurrence to these times may at least justify us in asking, whether it be decent or tolerable, that a judge, in one of our ecclesiastical courts, should be publicly and rudely censured by an archdeacon for using the phrase 'Presbyterian church,' and saying that those, who have been baptized according to its form, have been admitted into the Christian church. For ourselves, to use the language of the venerable Bishop Cosin on a somewhat similar occasion, we 'love not to be herein more wise, or harder, than our own church is;' and we defy Dr. Daubeney to produce any authoritative declaration of the Church of England against thus denominating the Presbyterian church, or against allowing baptism according to its form to be a valid initiation into the church of Christ.

To proceed: after renewing his attack on the general meaning said to be affixed to the word 'unbaptized,' and producing evidence, which plainly proves, on the contrary, that, before he affixes any

meaning to the word, the learned judge examines the context, &c. Dr. Daubeney combats, and, we think, successfully, the argument drawn from the rubric's associating excommunicates and suicides with the unbaptized.

On the next point he is far from being equally happy. 'You proceed to observe,' says he, p. 34, 'that the general law is, that burial is to be refused to no person,' &c. 'but,' he continues, 'no general law, that I am acquainted with, has determined any thing on this point.' He presently afterwards calls on the judge to 'point out to notice the general law to which he refers, where this law is to be found, and in what language it is drawn up.' Such is the tendency of his strictures, poured forth through several pages, and renewed we know not how often in the course of his book; though Sir John Nicholl has expressly referred to the 68th canon, which prohibits the refusal of burial in all cases, and punishes such refusal. 'Nothing,' says he, 'can be more large than the canon is in this respect. It does not limit the duty to burial of persons who are of the Church of England—all persons, not specially excepted, are entitled by it to burial,' &c. &c. Now let the archdeacon prove, if he can, that the view here taken of the canon is erroneous; let him shew, that what Sir John Nicholl has assigned as the general law is, in truth, limited and particular; but let him not presume so far either on the carelessness of his readers, or on the silence which official decorum may impose on the judge, as to proclaim, that no general law has been 'pointed out to notice.'

To follow him through all the windings of his argument, on this point, is not within our purpose. But we are unwilling to leave unanswered a question proposed with an air of triumph, as if it were decisive of the cause.

'On the supposition that the word "unbaptized" in the rubric was meant to convey no precise meaning to the clergy, and that it was to be understood generally of all persons who had never been baptized in any way, what reason can be given for the insertion of such word in the rubric at all? Since the clergy certainly could not need to be informed that persons, so circumstanced, were not subjects for Christian burial,' p. 43.

We will answer his question first, by telling him, that it would have been a sufficient reason for introducing the word into the rubric, that it limits the general expression of the canon, which might be perversely construed (as has been shewn by himself, p. 39) into a command of burial even of Jews and Pagans; 2dly, by referring him to the history of the age when the rubric was composed. He will find that, 'by the growth of anabaptism through the licentiousness of the late times, (as the preface to the Common Prayer expresses it,) as well as by the rise of a sect which wholly rejected baptism,

baptism, there were many who called themselves Christians that had never been baptized at all; that a prohibition of burial, therefore, to such persons, under the designation of 'unbaptized,' was not so nugatory as the archdeacon may imagine; 3dly, We will answer by asking him a question in return; Why, if the authors of the rubric meant by the word 'unbaptized' to include all who, though baptized with water and the proper invocation, were not baptized by a lawful minister, did they not take the trouble of expressing themselves to that effect? especially since they must have been aware that there were thousands of persons then in the country, so circumstanced, who stood in need of the information, that they were unbaptized. Surely, this course would have been somewhat more reasonable than what he attributes to the framers of the rubric, p. 98, viz. that 'the word unbaptized was introduced to warn the wilful separatists that, the validity of their baptism not having been recognized by the church, they were unentitled to the privileges belonging to communicants.'

It is not without pleasure, that we come to a part of the subject, in which, though still with much abatement on the score of inaccuracy and mis-statement, we can congratulate the archdeacon on having the better of his adversary. It is that which relates to the sentiments of the ancient church on baptism by heretics, or schismatics. Sir John Nicholl has undoubtedly gone too far, when he says, that such baptism was considered as *complete*. Many passages from the canon law might be adduced to prove, that it was not supposed to communicate the holy spirit, nor to give remission of sins, nor to admit into the Catholic church. Still, however, even in this particular, Sir John Nicholl's argument has been most incorrectly stated. He no where professes (as is asserted by the archdeacon, p. 62) to take the sense of the ancient church as a standard to try the question at issue:—he no where 'confidently draws a conclusion,' as is stated, p. 58, '*from the practice of the ancient church*, that baptism, by whomsoever administered, does in itself constitute a legal and valid initiation into the Christian church.' This conclusion is not drawn by him from the practice of the ancient church: such practice has, indeed, nothing to do with it, excepting as it may explain the opinions of the Church of England.

And here it is proper to observe, that the Church of England could not on this point go the whole way with the ancient church: it could not adopt all its sentiments, or practice, respecting baptism by heretics or schismatics. To have done so, would have been no less than an act of suicide. For the Church of England derived its own baptism from heretics and schismatics: if, therefore, it had acquiesced in the decision of the ancient church, it must have

have acknowledged, that none of its own members had been admitted into the Christian church.

We are aware, that Bingham (Scholast. Hist. Lay Bap. ch. i. s. 23.) has endeavoured to remove all difficulties of this sort, by stating that the Church of England, on shaking off the yoke of the Romish church, reforming its errors, and returning to the unity of the catholic church, got rid of all its disabilities. We have no doubt that it did so. But the present question is, how far the practice and the decrees of the ancient church were satisfied by what was then done. Now the quotations of Bingham himself prove, (as does the argument of Dr. Daubeney, from p. 48 to 62,) that the wishes or the acts of the parties to be received were not held to be sufficient; imposition of hands, or something equivalent, was to be given by the church which received them. It is evident, therefore, that the Church of England could not have adopted the sentiments of the ancient church on this subject: it is evident also, that it not only was not the business of Sir John Nicholl to state, or to inquire into, the whole of the ancient discipline on this point, but that, by taking so wide a course, he would have obscured, rather than enlightened, his subject. His object was to ascertain the meaning of the Church of England in one of its own laws; and his references to antiquity were limited to the express purpose of illustrating that meaning; of shewing, that baptism with water in the name of the Holy Trinity, by whomsoever administered, was considered as baptism, and was not to be repeated. In what light irregular and unauthorized baptisms were farther considered by the ancient church, it was not his business to inquire; his sole object being to discover, whether those who had received such baptism, were considered by the canon law as 'unbaptized,' in order to assist him in the inquiry, whether our reformed church, in using that word, meant to include those who had received baptism at the hands of schismatics.—Now we are decidedly of opinion, that one single quotation of his, (that from 28th Sect. of IV. Dist. Dec. III. de Cons.) is sufficient to shew, that the canon law does not consider such persons as 'unbaptized': '*recipiantur ut baptizati, ne Sanctæ Trinitatis invocatio annulletur.*'

Before we leave this point we must remark, that the Church of England, departing from the precedents of the canon law, has made no special provision for receiving persons baptized by schismatics into the church, as if they before did not belong to it. Nay, even the ancient church seems to have founded much of the severity of its judgment on the supposition, that the persons so baptized were themselves at their baptism not in charity with the church. For baptism by a heretic or schismatic in case of necessity, under  
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the apprehension of approaching death, was adjudged to be good baptism, and to admit to the spiritual benefits of the Sacrament. 'Ille, cui traditur, potest salubriter accipere, si ipse non separatus acceperit.' Dec. III. de Cons. Dist. IV. s. 112. But can an infant be thus separatus? Augustine himself (whose authority on this point was principally regarded) makes an exception out of his general condemnation of those who were baptized by heretics, which seems strongly in favour of infants so baptized. 'Illi, &c. neque omnino utiliter habent baptismum, neque ab eis utiliter accipitur, nisi fortè accipiendi necessitas urgeat, et recipientis animus ab unitatis vinculo non recedat.' Aug. de Bap. Lib. VII. c. 52. Surely an infant's mind cannot recede from the bond of Christian unity, nor can any necessity be more urgent than that which operates on him.

Again it must be remembered, that the judgment of the ancient church respecting baptism by heretics, rested on a distinction which our church disclaims. The Church of England knows nothing of the outward visible sacrament being given without the inward spiritual grace: on the contrary, it considers the outward and visible part as the sign of the inward, which is given by it, as by the appointed instrument, to all who do not themselves put a bar in the way of grace. The ancient church, on the other hand, departing from the simplicity which is in Christ, made the imposition of hands so essential, either as a part of baptism, or as a distinct sacrament, that, in a council held at Carthage under Cyprian, it was said, that 'a man ought to be regenerated by both sacraments in the Catholic Church,' and Cyprian himself declared, 'that a man's sanctification was complete, and he indeed became a child of God, when he was born again by both Sacraments,'\* namely, baptism and imposition of hands; the latter of which, conferring the gift of the Holy Spirit, could only, as it was held, be effectually given in the Catholic Church.

Dr. Daubeney, having thus examined what appears to him to be the main strength of Sir John Nicholl's statement, proceeds to matters which require less of his attention. Even here, however, he advances two or three positions, which we feel it impossible to pass over entirely without notice.

In p. 91 he says, that 'the bishops, after the Usurpation, though they did not re-baptize those who had received irregular baptism during that period, still, according to the practice of the ancient church, considered that *imposition of hands was necessary to their admission into the communion of the church.*' For the truth of this very important particular in ecclesiastical history, not a particle of evidence is adduced: we are bound therefore to consider

\* Bingham Ant. b. 12. s. 4.



it as resting solely on the acknowledged fact, that the bishops, after the Restoration, went about confirming all who were presented to them, without inquiring by whom they had been baptized. And is it possible, that on such a foundation there should be reared a superstructure so momentous? If the assertion of Dr. Daubigny be correct, the bishops of the Church of England, at the era to which he refers, considered that church as no part of the church of Christ. For, as has been already observed, the baptism of the reformed having been received from an heretical and schismatical priesthood, it would have been necessary, according to the practice of the ancient church, that our forefathers at the Reformation, should have been admitted into the true Christian church by imposition of hands; a rite, which was certainly not then performed. Happily, however, the assertion of the archdeacon is a mere gratuitous dictum; advanced, as it should seem, for the purpose of explaining away an awkward matter-of-fact in the case of his adversary.

In the same page we are told, that 'dissenting and papist converts to the Church of England, do not stand on the same footing in the eyes of that church: the orders of the Church of Rome being admitted by the Church of England, whilst those of dissenters are not. The baptism, consequently, of the Church of Rome, though not the baptism of the Church of England, must still be lawful baptism in the eyes of that church, on the principle of its having been administered by a duly commissioned priest.' In a writer, who defers so much to the sentiments and practice of antiquity, this position is somewhat surprising. Can it be necessary to remind Dr. Daubigny, that the ancient church held the baptism of schismatical priests to be the baptism of persons without commission? But not to press him on the point of external authority, let us examine his position by the declared law of the Church of England. 'The baptism of the Church of Rome must be lawful baptism in the eyes of the Church of England, on the principle of its having been administered by a duly commissioned priest.' Now this proposition goes the length of declaring, that any person, episcopally ordained, is a lawful minister of the sacraments, in the contemplation of the Church of England; that his living in a state of open schism, receiving his commission from schismatics, belonging to a schismatical congregation, disclaiming our articles, and abhorring our communion, does not affect the lawfulness of his ministry. Such is the doctrine of 'The Guide to the Church,' of an author, who, 'daring steadfastly to maintain the constitution of the church,' in spite of 'clerical indifference' and 'sectarian encroachment,' 'must expect,' for his honest zeal, 'to be branded with opprobrious and uncharitable epithets.' What epithets may have been applied to him, it is no part of our business to inquire: but

but the enemies of the Church of England must be unjust, rather than uncharitable, if they fail to appreciate properly the concession which is here made to them. Happily the friends of the church may appeal from Dr. Daubeney to the articles and canons of the church itself. They will there find, that 'it is not lawful for any man to take upon him to minister the sacraments in the congregation, before he be lawfully called and sent; and that those only are lawfully called and sent, who be called and chosen by men who have public authority given unto them in the congregation, to call and send ministers into the Lord's vineyard.' Unless, therefore, the Romish bishops have this public authority in the Church of England, our church does not consider the priests, ordained by them, as lawful ministers, nor on any sound principles as 'duly commissioned.' It is true, that if such persons leave their schism, and are reconciled to our church, they may be 'accounted and taken to be lawful ministers,' (provided they comply with such other requisites as the church has enjoined,) without being re-ordained. But, meanwhile, in the eyes of the Church of England, they are just as much schismatics, they have been as little 'duly commissioned,' as any presbyterian or independent teacher. To speak of them, as the archdeacon does, is going a great way towards pronouncing their congregations 'true and lawful churches;' in which case the 11th canon would denounce the sentence of excommunication, and cut off the learned author himself from all right to burial on much clearer grounds than affect the infant in question.

But we turn to another position of the archdeacon. In page 108 he speaks 'of those who have been baptized into the Church of England;' and the argument, with which this phrase is connected, shews that he really meant, that baptism, according to the form of our church, baptizes into the Church of England, as contradistinguished from baptism into other particular churches. This, we will venture to say, is a notion never before entertained of the Christian sacrament of baptism. The language of the Gospel is, that we are 'baptized into Christ,' and again, that we are 'baptized into one body;' but to be baptized into the Church of England is to be baptized into one member of that body. Now we contend, that they, who have received Christian baptism at all, have been baptized either into none, or into every one, of the members of the body of Christ; that to make a distinction of baptizing into this or that particular church is to multiply that Christian baptism, which by the Apostle is so emphatically pronounced 'one.' We contend farther; that, in any country, they who are baptized into Christ at all, are, on the one hand, bound, as they would avoid the guilt of schism, to communicate with the particular

ticular church planted there; and that, on the other hand, they have a right to claim from that church a participation in all acts of its communion, until they are cut off by a judicial sentence, or have cut off themselves, from Christ's body. And this brings us to a consideration decisive, in our apprehension, of the question relative to the word 'unbaptized.' It is the law and the practice of the Church of England, to acknowledge those who are baptized by schismatics, as *baptized*, as made by their baptism members of the Christian Church: for it considers them as under church discipline, and sentences them to excommunication if they offend against its laws. Thus then they are recognized by the Church of England as baptized into the body of Christ; else it would be worse than nugatory, to cut them off from that body to which they never belonged.

To conclude on this main part of the dispute: we are clearly of opinion, that the meaning ascribed by Sir John Nicholl to the word 'unbaptized' in the rubric before the office of burial, is fully established by him; that the exceptions, taken against it, rest on no solid ground; and that every additional light thrown on the subject tends only to confirm the learned judge's interpretation. When therefore we consider that it was solely because the deceased had been baptized by a schismatical hand, that the refusal of burial was defended, and that such baptism appears on the fullest inquiry to have been uniformly recognized by the Church of England as Christian baptism, admitting the subject of it into communion with the catholic church, we cannot but acquiesce in the judgment pronounced by the Court of Arches.

It is not without surprise and regret that we have witnessed the ferment which Sir John Nicholl's decision has excited. Consequences the most tragical have been anticipated from it: the utter relaxation of ecclesiastical discipline, the destruction of every barrier against the inroads of schism, and the speedy downfall of the church itself, have been gravely deplored by bishops and archdeacons, as the almost necessary result of acquiescence in the judgment of the Arches Court of Canterbury! Strange too as it may appear, the main point, decided by that judgment, is one which Hooker, Whitgift, and Bancroft successfully laboured to maintain against the Cartwrights and Rainolds's of their time. In all the dreams of triumph in which the puritans of Elizabeth's and James's days ventured to indulge, they could hardly have looked forward to a time when high churchmen would flock to their standard, and join them in crying down the popish corruption of acknowledging baptism by a not lawful minister. But extremes, on almost every subject, have some points of union and assimilation: among other marks of resemblance is the loudness of their clamor, when any favourite prejudice

is assailed. Happily, in this country of sound sense and well-tempered zeal, the effects of such a clamor seldom long survive the occasion which gives rise to it. We should, therefore, have been content to leave this controversy to that great peacemaker Time, had we not perceived, in the present age, a more than ordinary disposition among some of the friends of the Church and its establishment, to pervert every manifestation of harmony with dissenters into a fresh occasion of alarm. Bound, as we are, to that church by the strongest ties of gratitude and duty, yielding to its doctrines the firmest assent of our understanding, and cherishing for its constitution and its discipline a force of attachment which is approved to us by our reason, and has long been confirmed in us by habit, we cannot behold without deep concern any symptoms of that jealous and captious spirit, which stimulates the exertions of the adversary, while it disgusts every temperate friend; and which exhausts, in its demands for imaginary dangers, much of that affection and sympathy which the real exigencies of the church would otherwise never fail to excite. In Dr. Daubeney (judging him only by the book before us) we see a specimen of this preposterous zeal in its wildest form: it is on this account, that we have felt it our duty to treat him with more severity than we could ever willingly use towards a writer whose intentions are doubtless praiseworthy, and whose talents, if well directed, might be useful in promoting the interests of a cause, which, in the present instance, they have served only to betray.

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